

BEFORE THE
CALIFORNIA WASTE MANAGEMENT BOARD
FOR THE STATE OF CALIFORNIA

IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
SEPTEMBER 29, 1988)
-----)

DATE AND TIME: THURSDAY, SEPTEMBER 29, 1988, 10:00 A.M.

PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, CSR
CERTIFICATE NO. 7152

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APPEARANCES

MR. JOHN E. GALLAGHER, CHAIRMAN
MR. JOHN C. MOSCONE
MR. SAM ARAKALIAN
MR. PHILLIP BEAUTROW
MRS. GINGER BREMBERG
MR. E. L. VARNER
MR. LES BROWN
MR. JAMES W. CALLOWAY

STAFF PRESENT

MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE OFFICER
MR. ALAN OLDALL, DEPUTY EXECUTIVE OFFICER
MS. JOELLEN JACKSON, DIRECTOR OF LEGISLATION
AND PUBLIC AFFAIRS
MR. ROBERT F. CONHEIM, GENERAL COUNSEL

MR. BILL ORR
MR. GEORGE LARSON
MR. JOHN SMITH



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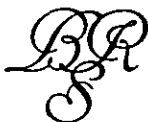
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SEPTEMBER 29, 1988

CHAIRMAN GALLAGHER: CALL THE BOARD MEETING OF THE CALIFORNIA WASTE MANAGEMENT BOARD TO ORDER. IT IS THAT HOUR. CHAIRMAN WOULD LIKE TO TAKE THE PREROGATIVE OF LETTING MR. VARNER HAVE A COUPLE OF SECONDS HERE TO TALK TO YOU ABOUT AN ACTIVITY THAT FITS RIGHT IN WITH OUR PROGRAM.

BOARD MEMBER VARNER: THANK YOU, MR. CHAIRMAN.

IT IS MY PLEASURE THIS MORNING TO ADVISE THE BOARD AND THOSE IN THE AUDIENCE OF SOMETHING THAT WE, MY COMPANY AND BAKERSFIELD -- AND HOPEFULLY IN THE WHOLE THE KERN COUNTY AREA WILL HAVE AN IMPACT ON IT -- WE'RE WORKING WITH THE CALIFORNIA CLEANIN' CAMPAIGN, WHICH IS A WASTE MANAGEMENT BOARD IDEA AND ENTITY.

AND WITH THIS JOELLEN JACKSON AND CANDY ROBERTSON WAS DOWN ABOUT A MONTH AGO AND MET WITH PUBLIC WORKS AND SOME OF THE SUPERVISORS IN THE AREA TO GET THIS KICKED OFF. AND WE AT VARNER BROTHERS NOW ARE A CALIFORNIA CLEANIN' COMPANY. WE'RE PASSING OUT THESE BAGS AT THE KERN COUNTY FAIR AND ALSO PASSING THEM OUT IN OUR OFFICE. AND, ALSO, WE'RE GOING TO PUT SIGNS ON OUR TRUCKS ADVERTISING THIS SO THAT WE CAN TRY TO GET THE COMMUNITY THERE INVOLVED.

AND ALONG WITH THIS I'M PUTTING IN A

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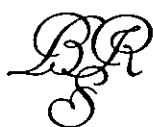
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1 BUY-BACK CENTER IN MY YARD IN CONJUNCTION WITH THE BARC
2 PEOPLE IN BAKERSFIELD WHO ARE ALREADY MAJOR RECYCLERS.
3 THAT WAY WE HAVE A FEELING THAT THIS WILL MAKE THE
4 GREATEST IMPACT AND WILL HAVE PEOPLE INVOLVED IN IT THAT
5 ARE ALREADY KNOWLEDGEABLE PRESENTLY AND HAVE MARKETS
6 AVAILABLE IN THE RECYCLING COMMUNITY.

7 SO I JUST WANTED ALL OF YOU TO KNOW WHAT'S
8 TAKING PLACE THERE; AND WHEN WE GET THE SIGNS FINALLY
9 MADE SO THAT WE CAN PUT THEM ON OUR TRUCKS, WE INTEND TO
10 HAVE A PRESS CONFERENCE AND, HOPEFULLY, MAYBE OUR
11 CHAIRMAN MIGHT BE ABLE TO ATTEND. AND I KNOW JOELLEN AND
12 CANDY WILL BE THERE.

13 AND, ALSO, I MAY SAY THAT SENATOR ROGERS,
14 OUR SENATOR FROM THAT AREA, WAS ON A TALK PROGRAM ALSO
15 ADVERTISING AND SUPPORTING THIS CALIFORNIA CLEANIN'. AND
16 I, HOPEFULLY, WILL BE WORKING CLOSELY WITH HIM IN KEEPING
17 THIS MESSAGE BEFORE THE PEOPLE AND REALLY GETTING THIS
18 PROGRAM OFF THE GROUND BECAUSE I THINK, IN MOST CASES,
19 THIS PROGRAM WASN'T REALLY KNOWN ABOUT IN THE STATE. NO
20 ONE IN OUR AREA KNEW ABOUT IT. NATURALLY, I DID, BUT IT
21 WAS DOWN HERE IN SACRAMENTO BECAUSE THE GOVERNOR HAD
22 KICKED IT OFF AND SO FORTH, SO WE'RE GOING TO GET IT
23 KNOWN IN KERN COUNTY KNEW.

24 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH. I
25 CERTAINLY KNOW THAT EVERYONE OUT THERE WILL APPLAUD THE



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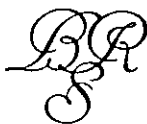
1 VARNER BROTHERS TAKING THE LEAD. AND, CERTAINLY, I HOPE
2 THAT ANYONE OUT THERE REPRESENTING ANOTHER REFUSE REMOVAL
3 COMPANY WILL BENEFIT FROM THEIR LEADERSHIP AND WILL GO
4 AHEAD AND DO A SIMILAR THING BECAUSE, CERTAINLY, EVERY
5 RECORD THAT WE LOOK AT INDICATES THAT LITTER IS
6 INCREASING IN CALIFORNIA, AND WE NEED TO DO A REAL
7 TURNAROUND IN THAT. AND CALIFORNIA CLEANIN', IN OUR
8 JUDGMENT, IS THE WAY TO GO.

9 NOW, COUPLE OF OTHER COMMENTS. THE
10 MAJORITY OF TODAY'S AGENDA IS GOING TO INVOLVE ITSELF
11 AROUND PROMULGATING REGULATIONS. SO WE DO NOT PERCEIVE
12 THAT THERE WILL BE ANY DECISIONS MADE TODAY. IT'S GOING
13 TO BE HELD ON KIND OF A WORKSHOP-TYPE BASIS.

14 GO AHEAD, INTERRUPT, BOB.

15 ATTORNEY CONHEIM: MR. CHAIRMAN, ITEM 1 REQUIRES
16 AN OFFICIAL ACT ON THE PART OF THE BOARD. IT'S A FORMAL
17 REGULATIONS ITEM WHICH YOU ARE ASKED TO MAKE A DECISION
18 TO REPEAL CERTAIN REGULATIONS. THE OTHER REGULATIONS
19 ITEMS ARE WORKSHOP-TYPE PROCEEDINGS FOR WHICH NO DECISION
20 IS ASKED FOR.

21 CHAIRMAN GALLAGHER: AND I WAS SAYING THIS FOR
22 THE PURPOSE THAT THOSE OF YOU IN THE AUDIENCE WHO CAME
23 HERE SPECIFICALLY TO TALK ABOUT REGULATIONS, THAT YOU LET
24 US KNOW AS SOON AS YOU CAN VIA THE LITTLE SLIPS THAT ARE
25 IN THE BACK OF THE ROOM WHICH ONE OF THE REGULATIONS YOU



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1 WANT TO BE HEARD ON. AND WE DON'T KNOW HOW MANY PEOPLE
2 ARE GOING TO BE HERE AND HOW MUCH TIME IT'S GOING TO
3 TAKE. WE WANT TO BE ABLE, IF WE CAN, TO HEAR EVERYBODY,
4 BUT IT MAY BE AT SOME POINT IN TODAY'S SESSION THAT WE
5 WILL HAVE TO START LIMITING PEOPLE AS TO THE AMOUNT OF
6 TIME THEY CAN TAKE TO COMMENT.

7 WITH THAT FRAMEWORK, WE HOPE WE CAN
8 ACCOMPLISH WHATEVER IS ON THE AGENDA. WE WILL RECESS THE
9 MEETING, HOPEFULLY, AT AROUND 4 O'CLOCK. IT WILL
10 RECONVENE THE NEXT DAY, AND THEN WE WILL HAVE AN
11 ADJOURNMENT OR RECESS TO GO INTO CLOSED SESSION TO
12 DISCUSS LITIGATION AND PERSONNEL MATTERS. SO THAT THOSE
13 OF YOU WHO HAVE TRAVEL PLANS THAT NEED TO REARRANGE THEM,
14 WE'LL HAVE A VERY SHORT SESSION TOMORROW MORNING, AND
15 THEN THE REST OF THAT MORNING SESSION WILL BE TURNED OVER
16 TO PERSONNEL AND LITIGATION MATTERS.

17 WITHIN THAT FRAMEWORK, WE ARE READY TO
18 PROCEED.

19 MR. IWAHIRO: MR. CHAIRMAN, THERE ARE A COUPLE
20 OF ITEMS HERE THAT I'D LIKE TO BRING TO YOUR ATTENTION.
21 NO. 1 IS THAT WE DO HAVE THE LANDFILL COST TASK FORCE
22 MEETING AT 3 O'CLOCK THIS AFTERNOON. SO IF WE COULD
23 ADJOURN FOR THAT AT THAT TIME BECAUSE MR. PHIL
24 BEAUTROW -- UNLESS WE CAN HAVE IT CONCURRENTLY ALSO AS
25 WELL.



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1 CHAIRMAN GALLAGHER: WELL, WE CAN CERTAINLY
2 ACCOMMODATE MR. BEAUTROW, AND IT WILL DEPEND ENTIRELY ON
3 HOW THINGS ARE GOING AT THAT TIME. AND, CERTAINLY, THAT
4 IS A VERY IMPORTANT ITEM. DEPENDS ON WHETHER OR NOT WE
5 HAVE A QUORUM AND WHAT HAVE YOU. LET'S WORK TOWARD A 4
6 O'CLOCK ADJOURNMENT WITH MR. BEAUTROW BEING ALLOWED TO
7 LEAVE WHATEVER THE TIME THE THING IS CONVENED, 3 O'CLOCK.
8 ARE THEY GOING TO USE THIS ROOM, BY ANY CHANCE?

9 MR. IWAHIRO: WE CAN GO SOMEPLACE ELSE.

10 CHAIRMAN GALLAGHER: PROBABLY BECAUSE MR. VARNER
11 IS ALSO INVOLVED IN THAT, I WAS NOT AWARE OF THAT, WE
12 WILL ATTEMPT TO ADJOURN AT 3 O'CLOCK.

13 IS THERE ANYONE IN THE AUDIENCE THAT THAT
14 WILL CAUSE A GREAT INCONVENIENCE? IF NOT, WE ARE NOW
15 READY TO GO AHEAD.

16 MR. IWAHIRO: ITEM NO. 1, BOB -- WOULD YOU LIKE
17 TO GO THROUGH THE ORDER? IN TERMS OF ITEM 4 AND 5, YOU
18 HAVE A LETTER, IN FACT, TWO LETTERS. ONE FROM THE HEALTH
19 SERVICE DEPARTMENT IN CONTRA COSTA COUNTY AND ONE FROM A
20 LAW FIRM REPRESENTING ACME CORPORATION. THEY, BASICALLY,
21 ARE SAYING THAT THEY WOULD LIKE TO CONTINUE ITEMS 4 AND 5
22 TO OCTOBER, AND IT IS OUR RECOMMENDATION THAT WE DO SO.

23 THE HEALTH SERVICES DEPARTMENT IS LEA AND
24 THEY ARE GIVING US -- THEY AND THE ACME FILL CORPORATION
25 BOTH HAVE WAIVED THE 40-DAY REQUIREMENT FOR ACTION ON

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1 THIS PERMIT.

2 CHAIRMAN GALLAGHER: YOU'VE HEARD STAFF
3 RECOMMENDATION ON ITEMS 4 AND 5 IN WHICH WE'VE HAD A
4 REQUEST THAT THEY BE WITHDRAWN FROM THIS AGENDA AND TAKEN
5 UP AT THE OCTOBER MEETING. IS THERE ANY DISCUSSION HERE
6 ON THE BOARD?

7 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I JUST
8 HAVE A QUESTION. FROM READING THEIR LETTERS JUST SINCE I
9 GOT HERE, I DON'T -- I DO NOT UNDERSTAND WHAT THEY THINK
10 THEY CAN ACCOMPLISH IN A MONTH THAT WOULD AFFECT THE
11 INFORMATION THAT IS IN OUR PACKETS.

12 ATTORNEY CONHEIM: MR. CHAIRMAN, MRS. BREMBERG,
13 THEY'RE FEELING THAT TODAY THE COUNTY SOLID WASTE
14 MANAGEMENT PLAN SITUATION IS STILL SO FLUID, THAT THEY DO
15 NOT WANT TO COME BEFORE THE BOARD TODAY. AND AT THIS
16 POINT THEY NEEDED TO REGROUP AND BUY 30 DAYS' TIME. THEY
17 MAY BEFORE THE NEXT MEETING MAKE ANOTHER DECISION TO
18 BRING OR NOT TO BRING THIS APPLICATION BEFORE THE BOARD.
19 THEY DON'T HAVE A PLAN AS TO WHAT THEY KNOW WILL OCCUR IN
20 30 DAYS. IF THEY DID, I WISH THEY WOULD TELL ME.

21 BOARD MEMBER BREMBERG: THE ONLY REASON I ASK IS
22 THAT MY SISTER-IN-LAW HAPPENS TO LIVE IN CONTRA COSTA
23 COUNTY AND HAS BEEN READING THE NEWSPAPERS WITH THE
24 POLITICAL GAMES THAT ARE BEING PLAYED, BUT EVERY ARTICLE
25 SAYS AFTER THE NOVEMBER ELECTION. THAT'S WHY I WONDERED

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1 WHY THEY ASKED FOR OCTOBER BECAUSE THE INDICATION IN THE
2 NEWS MEDIA, WHICH MAY OR MAY NOT BE ACCURATE, AND I WOULD
3 COME DOWN ON THE SECONDARY OPTION, THAT NOTHING WILL
4 HAPPEN UNTIL AFTER THE NOVEMBER 8TH ELECTION. SO I'M
5 JUST -- I WAS JUST KIND OF CURIOUS WHAT THEY THOUGHT THEY
6 COULD DO IN OCTOBER THAT THEY COULDN'T DO IN SEPTEMBER.

7 ATTORNEY CONHEIM: MR. CHAIRMAN, WE'LL BE
8 PREPARED TO BRIEF YOU ON THE SITUATION AS WE KNOW IT AND
9 LITIGATION ASPECTS OF IT IN THE CLOSED SESSION WHERE WE
10 WILL, AND I MIGHT AS WELL SAY IT FOR THE RECORD NOW,
11 DISCUSS WITH THE BOARD'S PENDING LITIGATION AGAINST
12 CONTRA COSTA COUNTY FOR THE DELINQUENT COSWMP.

13 CHAIRMAN GALLAGHER: THERE IS NO LEGAL REASON
14 WHY WE CANNOT COMPLY WITH THEIR REQUEST, IS THERE,
15 COUNSEL?

16 ATTORNEY CONHEIM: MR. CHAIRMAN, THEY'RE THE
17 APPLICANT. ACME IS THE APPLICANT, AND IT IS THE BEST
18 INTERPRETATION OF THE LAW THAT THEY HAVE CONTROL AS TO
19 WHETHER THEY WANT TO BRING THIS ITEM OR NOT. THE ONLY
20 THING THAT WE ASK THEM TO DO IF THEY REALLY DIDN'T WANT A
21 DENIAL FROM US BASED ON THE 40-DAY RULE WAS TO WAIVE THE
22 40-DAY TIME CLOCK. THEY'VE WAIVED IT TILL THE NEXT
23 MEETING. SO WE WILL PUT IT ON THE NEXT MEETING; AND IF
24 THEY DON'T WAIVE IT AT THAT POINT AND THEY DON'T APPEAR,
25 THEN WE WOULD BE IN A POSITION WHERE WE'D HAVE TO MAKE A

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1 DECISION NEXT MONTH ON THEIR PERMIT.

2 CHAIRMAN GALLAGHER: AFTER HAVING HEARD
3 COUNSEL'S COMMENTS, IS THE BOARD READY FOR THE QUESTION?
4 MAY I HAVE A MOTION TO ACCEPT OR DENY THIS REQUEST?

5 MR. O'KITA: MR. CHAIRMAN, MAY I ADDRESS THE
6 BOARD, PLEASE? I'M FROM CONTRA COSTA COUNTY.

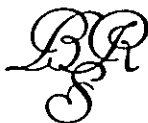
7 CHAIRMAN GALLAGHER: YES, YOU CERTAINLY CAN.

8 MR. O'KITA: MY NAME IS DAVID O'KITA. I AM IN
9 CHARGE OF THE SOLID WASTE PLANNING FOR THE COUNTY, AND I
10 DISTRIBUTED A LETTER FROM OUR DEPARTMENT WHICH OUR BOARD
11 ASKED BE PRESENTED TO YOU TODAY.

12 FIRST OF ALL, WE CONCUR WITH ACME'S REQUEST
13 TO DELAY A DECISION ON THE PERMIT. I DO WANT TO UPDATE
14 YOU, AND IT'S IN THE LETTER, AS TO WHAT IS HAPPENING IN
15 OUR COUNTY CONCERNING THE SOLID WASTE. OUR BOARD IS
16 PREPARED TO ACT NEXT WEEK, AND WE HAVE PROPERLY NOTICED
17 IT TO APPROVE THE SOLID WASTE REVISION WHICH WILL INCLUDE
18 FIVE RESERVE SITES, WHICH WILL MEET YOUR REQUIREMENT FOR
19 HAVING EIGHTS YEARS OF CAPACITY.

20 WE ARE STILL WORKING OUT SOME OF THE
21 DETAILS WITH YOUR STAFF AND THE ATTORNEY GENERAL TO MAKE
22 SURE THAT WE'RE COMPLYING WITH THE RIGHT PROCEDURES IN
23 ORDER FOR US TO ACT THAT QUICKLY. SO THE BOARD IS VERY
24 SERIOUS ABOUT MEETING THE REQUIREMENT AS QUICKLY AS
25 POSSIBLE. THEY DO NOT WANT TO WAIT UNTIL NOVEMBER. THEY

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1 WANT TO ACT NEXT WEEK.

2 WE JUST WANTED TO CONVEY THAT TO THE BOARD,
3 AND WE WILL BE BACK WITH YOU WITH A PLAN AND ALSO, AGAIN,
4 WHEN YOU CONSIDER THE TRANSFER STATION.

5 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

6 BOARD MEMBER VARNER: MAY I ASK A QUESTION HERE?

7 CHAIRMAN GALLAGHER: MR. VARNER.

8 BOARD MEMBER VARNER: WHAT DOES RESERVE SITES
9 REALLY MEAN?

10 ATTORNEY CONHEIM: MR. CHAIRMAN, IF -- YOU ARE
11 FREE TO DISREGARD MY ADVICE, BUT WE'RE GETTING INTO AN
12 ITEM WHICH WE TOLD THE REST OF THE PUBLIC WHO'S ASKED
13 THAT WE WOULD NOT BE DISCUSSING TODAY. AND, ACTUALLY,
14 THE DISCUSSION OF THAT, I THINK, WOULD BE BETTER RESERVED
15 AMONG US IN CLOSED SESSION.

16 AND TO ENGAGE MR. O'KITA IN THAT DEBATE AT
17 THIS POINT, I THINK, WOULD BE COUNTERPRODUCTIVE. WE'VE
18 HAD A STAFF-TO-STAFF MEETING WITH MR. O'KITA. WE HAVE
19 TWO HATS. WE MAY HAVE TO LITIGATE ON THE ONE HAND, BUT
20 WE'RE ALWAYS USING OUR TECHNICAL ASSISTANCE HELPFUL HAT
21 ON THE OTHER, AND WE ARE MEETING WITH THEM AND WE ARE
22 WORKING OUT THE VERY QUESTIONS THAT YOU ARE ABOUT TO
23 RAISE, AND I'D BE GLAD TO BRIEF YOU ON THEM IN CLOSED
24 SESSION.

25 BOARD MEMBER VARNER: THANK YOU. I'LL WITHDRAW



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1 THAT QUESTION.

2 CHAIRMAN GALLAGHER: THANK YOU. ARE YOU READY
3 FOR THE QUESTION? ALL THOSE IN FAVOR OF STAFF
4 RECOMMENDATION ON THE CONCURRENCE WITH THE REQUEST FOR
5 THE WITHDRAWAL, PLEASE SAY AYE. OPPOSED? PASSED AND SO
6 ORDERED.

7 MR. IWAHIRO: AGENDA ITEM NO. 1. BOB CONHEIM,
8 OUR COUNSEL, WILL BE BRIEFING YOU ON THIS AND ASKING FOR
9 AN ACTION.

10 ATTORNEY CONHEIM: MR. CHAIRMAN AND MEMBERS,
11 ITEM NO. 1 IS A FORMAL REGULATIONS ITEM, THE KIND THAT
12 YOU WILL SEE MORE FREQUENTLY IN THE FUTURE AS WE CONCLUDE
13 THE DRAFTING OF NEW AND AMENDED REGULATIONS.

14 TODAY'S ITEM CONSISTS OF THE BOARD STAFF'S
15 PRESENTATION OF PROPOSED REPEAL OF CERTAIN BOARD
16 REGULATIONS AND A PUBLIC HEARING ON THIS REPEAL ACTION,
17 WHICH THEN WILL CONCLUDE THE FORMAL PROCESS AND ALLOW US
18 TO CLOSE THE RECORD OF THE PROCEEDING AND SUBMIT THIS
19 ACTION TO OFFICE OF ADMINISTRATIVE LAW, WHICH YOU WILL
20 HEAR US REFER TO AS OAL MANY TIMES IN THE FUTURE.

21 I HAVE ASKED MY ASSOCIATE, CATHERINE CLOSE,
22 OUR ASSISTANT GENERAL COUNSEL, TO PRESENT THIS ITEM
23 BECAUSE SHE HAS WORKED THIS ITEM THOROUGHLY.

24 I DO WANT TO LET YOU KNOW THAT APPARENTLY
25 BETWEEN OUR OFFICE AND KAY'S OFFICE -- AND WE'LL TAKE THE



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1 RESPONSIBILITY FOR IT -- THERE WAS A CLERICAL ERROR IN
2 THE COMPILING OF THE DOCUMENTATION THAT ENDED UP BEING
3 RING-BOUND IN YOUR PACKET. TWO ITEMS WERE LEFT OUT
4 ALTHOUGH THEY HAVE NO LEGAL SIGNIFICANCE FOR THE OFFICE
5 OF ADMINISTRATIVE LAW PROCEEDING.

6 THE FIRST ITEM WAS THE ORIGINAL NOTICE OF
7 THE PROPOSED RULEMAKING, AND THE SECOND ITEM WAS THIS
8 OFFICIAL DOCUMENT CALLED "INITIAL STATEMENT OF REASONS."
9 WE HAVE THEM AVAILABLE. I DO NOT KNOW WHETHER -- THEY
10 HAVE BEEN GIVEN TO YOU NOW.

11 LET ME SAY THAT WHAT YOU READ IN THE BOARD
12 PACKET CONTAINED ALL OF THE INFORMATION THAT WOULD HAVE
13 BEEN IN THESE TWO ITEMS ANYWAY. THESE TWO ITEMS, FOR
14 YOUR INFORMATION, WOULD HAVE BEEN DUPLICATE. THE
15 INFORMATION CONTAINED IN THE ORIGINAL NOTICE, WHICH WE
16 LEFT OUT, IS INCLUDED VERBATIM IN THE AMENDED NOTICE,
17 WHICH IS IN THE BOARD PACKET.

18 THE INFORMATION THAT IS IN THE INITIAL
19 STATEMENT OF REASONS IS CONTAINED IN THE AGENDA ITEM
20 WRITEUP SO THAT YOU HAVE SEEN IN SUBSTANCE EVERYTHING
21 THAT WE OFFICIALLY LEFT OUT. THERE IS NO LEGAL EFFECT TO
22 THIS CLERICAL ERROR. EVERYBODY WHO WAS SUPPOSED TO GET
23 COPIES OF THESE THINGS ACCORDING TO LAW DID. WE JUST
24 SLIGHTED YOU BY SOME CARELESSNESS, AND I APOLOGIZE FOR
25 THAT.

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1 NOW, I'D LIKE TO TURN IT OVER TO CATHERINE
2 CLOSE TO PRESENT THE ITEM.

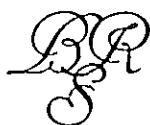
3 MS. CLOSE: THANK YOU, CHAIRMAN GALLAGHER, AND
4 MEMBERS OF THE BOARD.

5 BEFORE I BEGIN THE ITEM, I WANT TO TELL YOU
6 THAT I AM VERY PLEASED TO BE HERE TO MAKE MY FIRST FORMAL
7 PRESENTATION TO THE BOARD, AND I THANK YOU FOR GIVING ME
8 THE OPPORTUNITY TO BE HERE.

9 AS BOB SAID, THIS IS A FORMAL ACTION UNDER
10 THE CALIFORNIA ADMINISTRATIVE PROCEDURES ACT., AND YOU
11 HAVE BEEN DEALING WITH A LOT OF REGULATIONS BROUGHT TO
12 YOU INFORMALLY FOR DISCUSSION AND PREPARATION FOR THE
13 FORMAL PROCEDURE. WE'RE FORTUNATE TO HAVE THIS ONE AS
14 OUR FIRST ONE IN THE FORMAL RULEMAKING BECAUSE IT IS VERY
15 STRAIGHTFORWARD, SHOULD PRESENT NO PROBLEM, AND SHOULD BE
16 EASY FOR ALL OF US TO UNDERSTAND AND EASY FOR ME TO GET
17 THROUGH THE OFFICE OF ADMINISTRATIVE LAW.

18 THIS ITEM IS ESSENTIALLY WHAT I WOULD CALL
19 A CLEANUP OF THE BOARD'S REGULATIONS. IT MAKES NO
20 SUBSTANTIVE CHANGES. ALL THE CHANGES ARE NONSUBSTANTIVE.
21 WE'RE ASKING THAT YOU REPEAL PORTIONS OF THE BOARD'S
22 REGULATIONS THAT ARE NOW OUT OF DATE, THAT ARE
23 DUPLICATIVE STATUTE, AND NO LONGER APPROPRIATE TO BE
24 INCLUDED IN THE ADMINISTRATIVE CODE.

25 MR. MOSCONE: IS THIS STILL A PIECE OF THAT



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1 1111?

2 MS. CLOSE: NO, IT'S NOT. IT'S THE SAME KIND OF
3 THING AS WAS DONE IN THE AB 1111 REVIEW, BUT THIS IS A
4 SEPARATE ACTION. THAT REVIEW WAS COMPLETED SOME TIME
5 AGO.

6 MR. MOSCONE: IS THIS ALL TO COMPLY WITH OAL OR
7 JUST TO CLEAR UP?

8 MS. CLOSE: JUST TO CLEAN UP THE BOARD'S
9 REGULATIONS. I THINK IT MIGHT BE A GOOD IDEA FOR THE
10 BOARD TO CONSIDER DOING SOMETHING LIKE THIS ON AN ANNUAL
11 BASIS, TO GO THROUGH THE REGULATIONS THAT IT HAS AND MAKE
12 TECHNICAL NONSUBSTANTIVE CHANGES SO THAT YOU DON'T HAVE
13 THE SITUATION WHERE YOU HAVE REGULATIONS ON THE BOOKS
14 THAT ARE NO LONGER VALID.

15 MR. MOSCONE: AS I WAS GOING THROUGH ALL OF
16 THIS, I WAS GETTING A LITTLE DISTURBED THAT OAL SAYS DO
17 THIS AND DO THAT AND THIS IS NOT RIGHT AND THIS IS RIGHT,
18 AND I WAS THINKING TO MYSELF, "HOW LONG HAVE THEY BEEN IN
19 EXISTENCE? WHY HAVEN'T THEY COME FORWARD BEFORE?" SO IT
20 IS --

21 MS. CLOSE: WE'RE ACTING ON OUR OWN INITIATIVE
22 ONT HIS ONE.

23 MR. MOSCONE: WELL, FINE. I THINK IT'S BETTER
24 THAT WAY.

25 MS. CLOSE: THERE ARE THREE SETS OF REGULATIONS



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1 THAT WE'RE ASKING YOU TO REPEAL: THE FIRST IS BOARD'S
2 REGULATIONS ON EMERGENCY MEETINGS. THESE REGULATIONS
3 DUPLICATE THE CALIFORNIA STATE MEETING ACT -- OPEN
4 MEETING ACT, AND IN SOME CASES CONFLICT WITH THAT ACT
5 JUST BECAUSE THEY ARE OUT OF DATE AND HAVEN'T AMENDED
6 WHEN THE ACT HAS SINCE BEEN AMENDED.

7 FOR INSTANCE, THE STATE OPEN MEETING ACT
8 REQUIRES THAT THE BOARD GIVE NOTICE OF ITS MEETINGS TEN
9 DAYS IN ADVANCE. YOUR REGULATIONS ONLY REQUIRE THAT THE
10 NOTICE BE GIVEN ONE WEEK IN ADVANCE; AND, OF COURSE, WE
11 HAVE BEEN COMPLYING WITH THE REQUIREMENTS OF THE STATUTE
12 THAT NOTICE BE GIVEN TEN DAYS IN ADVANCE. THAT'S THE
13 KIND OF CLEANUP THAT WE NEED TO MAKE HERE.

14 THE SECOND SET OF REGULATIONS THAT SHOULD
15 BE REPEALED ARE THOSE DEALING WITH ACCESS TO PUBLIC
16 RECORDS. AGAIN, THESE BOTH DUPLICATE AND CONFLICT WITH
17 THE REQUIREMENTS OF STATE LAW AND IN SOME INSTANCES ARE
18 MORE ONEROUS THAN THE REQUIREMENTS OF STATE LAW. AND IF
19 WE WERE TO LEAVE THEM ON THE BOOKS COULD POTENTIALLY
20 CAUSE US SOME SIGNIFICANT PROBLEMS.

21 FOR INSTANCE, THE BOARD'S REGULATIONS
22 REQUIRE THAT REQUESTS FOR PUBLIC RECORDS BE SATISFIED
23 WITHIN EIGHT HOURS. THAT'S NOT DONE. WE SIMPLY COULD
24 NOT DO THAT. IT'S NOT PRACTICAL. THE STATUTE REQUIRES
25 THAT WE COMPLY WITHIN TEN DAYS, AND THAT'S WHAT WE HAVE



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1 BEEN DOING.

2 AND, FINALLY, THE THIRD SET OF REGULATIONS
3 THAT WE ASK THAT YOU REPEAL ARE THOSE REGULATING USED OIL
4 HANDLERS. AS YOU KNOW, THE BOARD'S AUTHORITY TO REGULATE
5 USED OIL HANDLERS WAS REPEALED IN 1986; THEREFORE,
6 THERE'S NO CONTINUING BASIS FOR THE REGULATIONS, AND THEY
7 ARE SOMEWHAT CONFUSING TO THE PUBLIC WHEN THEY FIND THEM
8 IN THE BOOK AND THEY SHOULD BE REPEALED.

9 LET ME GO THROUGH VERY BRIEFLY THE STEPS
10 THAT WE'RE REQUIRED TO TAKE UNDER THE APA, THE
11 ADMINISTRATIVE PROCEDURES ACT. SINCE THIS IS SUCH A
12 STRAIGHTFORWARD RULE-MAKING, SOME OF THE GLITCHES IN THAT
13 ACT THAT MIGHT MAKE IT MORE DIFFICULT SHOULD NOT COME UP
14 HERE, AND I'LL JUST GO THROUGH THE BASIC STEPS THAT I
15 THINK WE'RE GOING TO HAVE TO TAKE.

16 THE FIRST STEP UNDER THE ADMINISTRATIVE
17 PROCEDURES ACT IS THAT THE REGULATIONS BE NOTICED. AND
18 BY THAT WE MEAN THAT THEY HAVE TO BE PUBLISHED IN THE
19 CALIFORNIA ADMINISTRATIVE REGISTER. THE NOTICE WAS
20 PUBLISHED ON JULY 29TH, AND THAT NOTICE WAS AMENDED TO
21 REFLECT THE CHANGE IN THE BOARD'S MEETING DATE AND WAS
22 SENT TO EVERYONE WHO RECEIVED THE ORIGINAL NOTICE OR WHO
23 REQUESTED A COPY OF THE REGULATIONS.

24 THAT NOTICE BEGINS A 45-DAY COMMENT PERIOD.
25 A MINIMUM 45-DAY COMMENT PERIOD. THE COMMENT PERIOD

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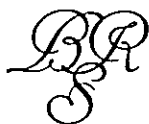
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1 CONCLUDES WITH THE CONDUCT OF THE PUBLIC HEARING. WE
2 HAVE RECEIVED ONLY ONE COMMENT. THAT COMMENT WAS FROM
3 TODD ARGO, COMMUNITY SERVICES DIRECTOR FROM THE CITY OF
4 SARATOGA. HE COMPLIMENTED US ON PUTTING THE RULEMAKING
5 INTO PLAIN ENGLISH AND SAID THAT HE HAD NO OBJECTIONS TO
6 THE CHANGES IN THE REGULATIONS. THAT ONE MADE US FEEL
7 PRETTY GOOD.

8 AFTER THE CLOSE OF THE COMMENT PERIOD, YOU
9 ARE REQUIRED TO HAVE A PUBLIC HEARING. THAT'S WHAT WE'RE
10 ASKING YOU TO CONDUCT TODAY. AFTER YOU'VE HAD THE PUBLIC
11 HEARING, YOU'RE REQUIRED TO CONSIDER THE COMMENTS, TO
12 MAKE THE FINDING REGARDING THE COST OF THE REGULATIONS.
13 THE FINDINGS THAT YOU ARE REQUIRED TO MAKE ARE SET FORTH
14 ON PAGE 5 OF THE AGENDA ITEM. I THINK YOU WILL AGREE,
15 SINCE WE'RE THAT JUST REPEALING AND MAKING NONSUBSTANTIVE
16 CHANGES, THAT THESE REGULATIONS WILL HAVE NO FISCAL
17 IMPACT ON ANYONE. AND THEN YOU MAY GO AHEAD AND ADOPT
18 THE CHANGES.

19 AFTER YOU'VE TAKEN YOUR ACTION, WE WILL
20 PREPARE THE RULEMAKING FILE. THIS ONE SHOULD NOT TAKE US
21 VERY MUCH TIME TO PREPARE. SOME OF THE ONES THAT ARE
22 GOING TO COME ALONG LATER ARE GOING TO TAKE A SIGNIFICANT
23 AMOUNT OF TIME TO PREPARE, BUT WE SHOULD BE ABLE TO
24 PREPARE THE RULEMAKING FILE AND FILE IT WITH THE OFFICE
25 OF ADMINISTRATIVE LAW WITHIN JUST SEVERAL DAYS. THE



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1 OFFICE OF ADMINISTRATIVE LAW WILL THEN HAVE 30 DAYS TO
2 REVIEW AND APPROVE THE REGULATIONS AND FILE THEM WITH THE
3 SECRETARY OF STATE, AND THEY'LL BE EFFECTIVE FROM THAT
4 DATE FORWARD.

5 DOES THE BOARD HAVE ANY QUESTIONS?

6 CHAIRMAN GALLAGHER: BOARD MEMBERS, ANY
7 QUESTIONS OF CATHERINE?

8 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I DON'T
9 HAVE ANY QUESTIONS. I HAVE A COMMENT THAT IT'S QUITE
10 REFRESHING, AS THE GENTLEMEN FROM SARATOGA SAID, TO BE
11 ABLE TO READ THROUGH AND UNDERSTAND, AND IT'S ALL IN NEAT
12 AND ORDERLY FASHION. I HAD ONE QUESTION WHICH YOU
13 ANSWERED AS WE WENT ALONG, THE EIGHT HOURS, THE TEN DAYS.
14 AND I JUST AS A MATTER OF IDLE CURIOSITY BEFORE A LOT OF
15 XEROXING AND COMPUTERS, HOW DID ANYONE COMPLY WITH THE
16 EIGHT HOURS?

17 MS. CLOSE: I WASN'T HERE. I DON'T KNOW. I
18 CAN'T IMAGINE.

19 BOARD MEMBER BREMBERG: I REALLY AM KIND OF
20 CURIOUS. KNOWING THE VERBOSITY OF MOST REGULATIONS, I
21 REALLY AM QUITE CURIOUS AS TO HOW THEY DID IT. I CANNOT
22 BELIEVE THAT THEY DID IT.

23 ATTORNEY CONHEIM: MR. GALLAGHER, THIS REMINDS
24 ME OF THE ANECDOTE ABOUT THE FELLOW ON THE ASSEMBLY LINE
25 WHO'S A RATE BUSTER WHO WORKS FASTER THAN ANYBODY ELSE.

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1 IN THIS CASE WE DON'T WANT TO LEAD YOU TO AN EXPECTATION
2 THAT EVERY REGULATORY CHANGE IS GOING TO BE THIS EASY TO
3 DEAL WITH. IT WON'T BE; IT REALLY WON'T BE AND WE'RE NOT
4 WHILE BEING -- WHILE WE'RE BEING FACETIOUS, THERE'S A
5 SERIOUS POINT TO BE MADE.

6 THIS IS WHAT I CALL A GIMME. THIS IS TO
7 LET YOU KNOW THAT THIS IS THE PROCESS WORKS WHEN IT
8 WORKS, BUT VIRTUALLY ANYTHING CAN GO WRONG IN THIS
9 PROCESS AND DOES. AND THE ISSUES THAT WILL BE BEFORE YOU
10 FOR YOUR SUBSTANTIVE POLICY DECISION IN THE FUTURE WILL
11 BE VERY, VERY DIFFICULT DECISIONS, AND THE PUBLIC WILL BE
12 MAKING VERY COMPLICATED AND VOLUMINOUS COMMENTS. THEY
13 ALREADY HAVE IN THE WORKSHOPS THAT WE'VE HAD IN SOME OF
14 THE 2448 REGULATIONS. SO WE'LL TAKE OUR EASY ONES WHERE
15 WE CAN.

16 CHAIRMAN GALLAGHER: THANK YOU, BOB, AND THANK
17 YOU, CATHERINE. THAT, TO ME, WAS A REFRESHING
18 PRESENTATION AND GLAD YOU HAD THE OPPORTUNITY, AND WE'LL
19 LOOK FORWARD TO ANOTHER ONE.

20 MS. CLOSE: THANK YOU VERY MUCH.

21 BOARD MEMBER ARAKALIAN: YOU DONE GOOD.

22 CHAIRMAN GALLAGHER: YOU'VE READ THE
23 RECOMMENDATION BY STAFF AND COUNSEL. ARE THERE ANY
24 FURTHER QUESTIONS BY ANY MEMBERS OF THE BOARD? ANY
25 QUESTIONS IN THE AUDIENCE? IF NOT, CAN I HEAR A MOTION



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1, TO ACT ON BOARD STAFF RECOMMENDATION?

2 ATTORNEY CONHEIM: MR. CHAIRMAN, COULD WE
3 FORMALLY OPEN THE PUBLIC HEARING AND SAY THAT, AND MAKE
4 SURE THAT WE PAUSE LONG ENOUGH FOR THE THROGS TO GET UP
5 AND COMMENT ON THESE.

6 CHAIRMAN GALLAGHER: WE SURE CAN. WE'RE NOW
7 OPEN THE PUBLIC HEARING. HOW ABOUT THAT?

8 ATTORNEY CONHEIM: SOUNDS GREAT.

9 CHAIRMAN GALLAGHER: ANYBODY IN THE PUBLIC WANT
10 TO MAKE ANY COMMENTS?

11 BOARD MEMBER BREMBERG: STEP ASIDE. THEY'RE
12 ROARING DOWN THE AISLE.

13 CHAIRMAN GALLAGHER: I DIDN'T SEE A HORDE OUT
14 THERE COMING MY WAY.

15 ATTORNEY CONHEIM: THANK YOU, MR. CHAIRMAN. WE
16 COULD -- IF YOU CAN SEE THEM, I CAN'T. IF THERE'S NOBODY
17 THERE, YOU CAN CLOSE THE PUBLIC HEARING.

18 BOARD MEMBER BEAUTROW: MOVE WE CLOSE THE PUBLIC
19 HEARING.

20 CHAIRMAN GALLAGHER: WE HAVE A MOTION ON THE
21 FLOOR THAT WE CLOSE THE PUBLIC HEARING.

22 BOARD MEMBER VARNER: I'LL SECOND.

23 CHAIRMAN GALLAGHER: OKAY. IS THERE OBJECTION
24 TO CLOSING THE PUBLIC HEARING ON THE PART OF ANY BOARD
25 MEMBER? IF NOT, THE PUBLIC HEARING IS CLOSED.

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1 AND NOW MAY I HAVE A MOTION ON THE ACTION
2 RECOMMENDED BY THE STAFF?

3 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I WOULD
4 MOVE THAT THE BOARD ACCEPT THE PROPOSED CHANGES AS
5 RECOMMENDED BY THE STAFF.

6 BOARD MEMBER VARNER: I'LL SECOND.

7 CHAIRMAN GALLAHER: IT'S BEEN MOVED AND SECONDED
8 THAT WE ACCEPT THE BOARD STAFF RECOMMENDATION ON AGENDA
9 ITEM NO. 1. ALL THOSE IN FAVOR?

10 BOARD MEMBER MOSCONE: MR. CHAIRMAN, THIS
11 INCLUDES THE 15-DAY NOTICE, I TAKE IT.

12 MS. CLOSE: WE'RE NOT REQUIRED TO MAKE A 15-DAY
13 ADDITIONAL NOTICE BECAUSE YOU YOU ARE NOT CHANGING WHAT
14 WE HAD ORIGINALLY NOTICED.

15 BOARD MEMBER MOSCONE: VERY GOOD.

16 CHAIRMAN GALLAHER: ALL THOSE IN FAVOR?
17 OPPOSED? CARRIED; SO ORDERED.

18 ITEM NO. 2. IS THAT THE WAY YOU WANT TO
19 PROCEED?

20 MR. OLDALL: EXACTLY, MR. CHAIRMAN, MEMBERS OF
21 THE BOARD. THIS ITEM IS DISCUSSION OF REGULATIONS:
22 PLANNING GUIDELINES AND PROCEDURES FOR PREPARING,
23 REVISING, AND AMENDING COUNTY SOLID WASTE MANAGEMENT
24 PLANS REVISED.

25 MOST OF THE BOARD MEMBERS WILL PROBABLY



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1 HARP BACK TO BOARD MEETINGS WE HAD MAYBE A YEAR, YEAR AND
2 A HALF AGO WHERE MR. EOWAN OUTLINED FOR YOU, I THINK, THE
3 DISTINCT NEED THAT WE HAD TO REVIEW ALL OF THE
4 REGULATIONS HERE AT THE BOARD. MOST OF THOSE REGULATIONS
5 HAVE BEEN WRITTEN TEN OR SO YEARS AGO. SOME OF THEM
6 WERE, INDEED, NOT APPLICABLE ANYMORE AND NEW LEGISLATION
7 COME UP OVER THE YEARS THAT HAS NECESSITATED US
8 PROMULGATING BRAND NEW REGULATIONS; AND, WHEREAS, THE
9 REGULATIONS THAT WE HAVE BROUGHT UP TO YOU PRIOR TO NOW
10 HAVE BEEN FOCUSED ON THE 2448 REQUIREMENTS, WHICH,
11 INDEED, WERE LAID-OUT TIMELINES IN THE LEGISLATION. SO
12 WE HAVE TO DO THOSE BY A GIVEN POINT IN TIME.

13 AND SO WE'VE PUT THOSE UP TO YOU PRIOR TO
14 THESE ONES, AND WE DID ASSIGN SPECIAL STAFF SPECIFICALLY,
15 AS YOU REMEMBER, TO WORK ON THOSE 2448 REGULATIONS.

16 AS WE GET INTO THE REGULATIONS THAT ARE IN
17 OUR OTHER PROGRAM AREAS, YOU ARE GOING TO SEE STAFF THAT
18 YOU KNOW WORK IN THOSE PROGRAM AREAS BECAUSE IN ADDITION
19 TO THEIR NORMAL AGENDA ITEMS EVERY BOARD MEETING IN THEIR
20 COPIOUS FREE TIME THEY HAVE BEEN DOING A VERY, VERY
21 CAREFUL REVIEW OF THE REGULATIONS IN THEIR AREAS, TOO,
22 AND THIS IS ONE OF THOSE AREAS, OBVIOUSLY, IN THE COSWMP
23 WHERE WE ARE GOING TO USE THE STAFF THAT WORK IN OUR
24 PLANNING DIVISION.

25 BEFORE WE GET INTO THE ITEM, THOUGH, I



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1 WOULD LIKE TO REMIND YOU THAT WE FOLLOW A COMMON FORMAT
2 HERE. THIS IS REALLY THE FIRST STAGE. THIS IS NOT AN
3 OFFICIAL PUBLIC HEARING ON THE REGULATIONS. WE ARE, OF
4 COURSE, IN A PUBLIC SESSION, BUT THIS PARTICULAR ITEM IS
5 THE FIRST ONE WE'RE BRINGING UP WHERE WE WILL HAVE
6 DISCUSSION, AND WE'RE LOOKING FOR GUIDANCE AND DIRECTION
7 FROM THE BOARD.

8 THE FORMAT THAT WE FOLLOW PRETTY MUCH GOES
9 THROUGH A PROBLEM STATEMENT, THE TEXT OF THE CURRENT
10 REGULATION, THE REGULATORY CHANGE THAT WE'RE PROPOSING,
11 AND THEN THE EXACT LANGUAGE OF THE NEW PROPOSED
12 REGULATION.

13 WHAT WE WOULD LIKE TO DO IS NOT GO AD
14 NAUSEAM THROUGH READING OF THE TEXT WORD BY WORD BECAUSE
15 WE WOULD PROBABLY BE HERE FOR THE NEXT TWO OR THREE WEEKS
16 IF WE DO THAT. WHAT I'VE ASKED STAFF TO DO, HOPEFULLY,
17 WITH THE BOARD'S APPROVAL, IS TO FOCUS PRIMARILY ON THOSE
18 MAJOR AREAS WHERE WE SEE THE CHANGES BEING NEEDED AND
19 AGAIN ASK DIRECTION IF THE BOARD WANT TO GET INTO ANY OF
20 THE SPECIFICS.

21 WE WOULD ALSO LIKE THE PUBLIC COMMENT TO BE
22 AT THE END OF STAFF'S PRESENTATION SO THAT AS WE GO
23 THROUGH EACH SECTION RATHER QUICKLY, WE DO NOT HAVE
24 SOMEBODY COME AND SPEAK ABOUT ONE SECTION, THEN COME BACK
25 FIVE MINUTES LATER ON ANOTHER SECTION. SO WE WOULD

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1 RECOMMEND THAT THE PUBLIC COMMENT BE AT THE END OF
2 STAFF'S PRESENTATION, MR. CHAIRMAN. SO IF THAT'S
3 ACCEPTABLE TO THE BOARD --

4 CHAIRMAN GALLAHER: DO I HEAR ANY OBJECTIONS TO
5 THE BOARD AS FAR AS THAT FORMAT IS CONCERNED? WE
6 ANNOUNCED EARLY ON THAT WE WOULD CONDUCT A KIND OF A
7 WORKSHOP THING WITHOUT ANY DECISION BEING MADE TODAY.
8 ANYONE IN THE PUBLIC WHO WANTS TO MAKE COMMENTS, PLEASE
9 TAKE NOTE OF WHAT MR. OLDALL SAID, THAT WE WOULD LIKE YOU
10 TO HOLD YOUR COMMENTS UNTIL WE HAVE COMPLETED THE ITEM
11 AND THEN CAN COME FORWARD RATHER THAN IN A PIECEMEAL
12 FASHION. IF THERE'S ANY OBJECTION TO THAT ON THE PART OF
13 THE PUBLIC, WILL YOU PLEASE MAKE IT KNOWN AT THIS TIME?
14 IF NOT AND SILENCE ON THE BOARD, I TAKE IT THAT WE ARE
15 READY TO PROCEED AS YOU HAVE SUGGESTED AND SO LET HER
16 RIP.

17 MR. OLDALL: THANK YOU, MR. CHAIRMAN. WITHOUT
18 FURTHER ADO, I'D LIKE TO TRANSFER THIS OVER TO JOHN
19 SMITH, WHO'S THE MANAGER OF THE BOARD'S PLANNING
20 DIVISION.

21 MR. SMITH: MR. CHAIRMAN AND BOARD MEMBERS,
22 BEFORE GETTING INTO THE SECTION-BY-SECTION ANALYSIS AND
23 RECOMMENDED CHANGES, I'D LIKE TO MAKE SOME INTRODUCTORY
24 COMMENTS.

25 FIRST OF ALL, FOR THOSE IN THE AUDIENCE, WE

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1 DO HAVE COPIES OF THE ITEMS RELATING TO -- THE AGENDA
2 ITEMS RELATING TO CHAPTER 2 AND CHAPTER 4 IN THE BACK ON
3 THE TABLE THERE NOW. THIS IS GOING TO BE A LONG PROCESS,
4 AND I WISH THAT THERE WAS SOME WAY TO MAKE IT LESS
5 PAINFUL. SO I'LL ASK FOR YOUR PATIENCE AND ATTENTION IN
6 GOING THROUGH THIS.

7 THE INTENT OF CHAPTER 2, WHICH IS THE FIRST
8 CHAPTER WE WILL LOOK AT TODAY, IS TO PROVIDE DETAILED
9 GUIDANCE IN THE PREPARATION OF THE VARIOUS COUNTY SOLID
10 WASTE MANAGEMENT PLAN DOCUMENTS. THAT CHAPTER ALSO
11 DESCRIBES THE CONTENTS OF THE REQUIRED PLAN ELEMENTS AND
12 ALSO DESCRIBES THE PROCEDURES FOR PREPARING THE VARIOUS
13 PLAN DOCUMENTS.

14 IN LOOKING AT IT FROM A MORE GENERAL
15 PERSPECTIVE, THE PROBLEMS THAT WE SEE WITH THE CHAPTER
16 ARE THAT IT DOES NOT CONTAIN A COMPLETE LIST OF INTENTS
17 STATEMENTS FOR THE COUNTY SOLID WASTE MANAGEMENT PLANS,
18 ESPECIALLY REGARDING THE NEED FOR THE TIMELY SITING OF
19 SOLID WASTE FACILITIES AND FOR PROTECTING EXISTING SOLID
20 WASTE FACILITIES FROM ENCROACHMENT OF INCOMPATIBLE LAND
21 USES. MANY OF THE EXISTING DEFINITIONS IN OUR CHAPTER DO
22 DUPLICATE THE GOVERNMENT CODE. THAT'S IN VIOLATION OF
23 OFFICE OF ADMINISTRATIVE LAW'S REGULATIONS THAT THEY NOT
24 DUPLICATE.

25 WE FEEL THAT THE EXISTING CHAPTER DOES NOT

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1 PUT A PROPER EMPHASIS ON THE RELATIONSHIP BETWEEN THE
2 COUNTY SOLID WASTE MANAGEMENT PLANS AND THE OTHER PLANS
3 THAT ARE THERE TO PROTECT THE AIR AND WATER QUALITY AND
4 THE COUNTY AND CITY GENERAL PLANS.

5 WE THINK THAT SOME OF THE EXISTING PLAN
6 ELEMENTS, ESPECIALLY DISPOSAL AND RECYCLING -- RESOURCE
7 RECOVERY, RATHER, NEED TO BE EXPANDED. WE ALSO THINK
8 THAT THE -- OR THE EXISTING CHAPTER DOES NOT INCLUDE
9 RECENT REQUIREMENTS, RECENT GOVERNMENT CODE REQUIREMENTS.
10 THOSE WOULD INCLUDE GUIDANCE FOR THE DEVELOPMENT OF A
11 HOUSEHOLD HAZARDOUS WASTE PROGRAM, PROVIDING GREATER
12 DETAIL FOR IMPLEMENTING THE EIGHT-YEAR PERMITTED CAPACITY
13 REQUIREMENT, AND IMPLEMENTING THE 20-PERCENT RECYCLING
14 GOAL. AND, ALSO, THE EXISTING CHAPTERS, THE WAY THAT
15 THEY'RE WRITTEN, ARE NOT WRITTEN THAT CLEARLY, SO A LOT
16 OF WORK HAS BEEN DONE IN TRYING TO MAKE THEM MORE CLEAR
17 AND MORE PRECISE.

18 ALSO, OUR ANALYSIS SHOWED THAT THE TIME FOR
19 PREPARING THE PLAN REVISIONS APPEARS TO BE TOO SHORT.
20 ALSO, THE REVIEW TIMES FOR DRAFT DOCUMENTS ARE TOO LONG.
21 I CAN DIRECT YOU TO PAGE 33 AND 34 OF YOUR AGENDA PACKET.

22 BOARD MEMBER BEAUTROW: CAN I ASK A QUESTION
23 FIRST? WE'RE TALKING ABOUT CHAPTERS, ARTICLES, SECTIONS,
24 AND PARAGRAPHS. I WISH -- COULD YOU KIND OF -- WE NEED A
25 BETTER FRAME OF REFERENCE HERE. I WAS TRYING TO GO

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1 THROUGH AND CORRELATE ONE BETWEEN THE OTHER, AND IT'S
2 VERY DIFFICULT. SO WOULD YOU DESCRIBE BEFORE WE LAUNCH
3 OUT HOW YOU ARE GOING TO CONDUCT -- I STILL DON'T
4 UNDERSTAND EXACTLY WHERE WE'RE HEADED HERE, AND IT'S SUCH
5 A BIG PICTURE.

6 MR. SMITH: I KNOW. WHAT WE'RE -- WHAT WE'RE
7 GOING TO START TO DO IS SAY, BASICALLY, WHAT WE THINK IS
8 WRONG WITH THE ENTIRE CHAPTER AND TALK ABOUT THE CHANGES
9 IN GENERAL. THEN WE'LL GO TO EACH ARTICLE AND THEN
10 DISCUSS EACH REGULATION WITHIN EACH ARTICLE FOR ARTICLES
11 1 THROUGH 8 IN THIS PARTICULAR CHAPTER.

12 MR. LARSON: MR. CHAIRMAN, IF I MAY DIRECT THE
13 ATTENTION OF THE BOARD TO PAGE 35 OF THE PACKET, I THINK
14 IT GIVES A PRETTY GOOD OVERVIEW OF WHAT WE'RE TRYING TO
15 ACCOMPLISH HERE. IN OTHER WORDS, WE'RE DEALING WITH THE
16 ENTIRE CHAPTER, WHICH, AS YOU SEE UNDER TABLE A, THE
17 TITLE OF IT IS THE "PROVISIONS FOR PLANNING GUIDELINES
18 AND PROCEDURES FOR REVISING AND AMENDING PLANS." AND
19 UNDERNEATH OF CHAPTER 2 IS THE HEADING ARE EACH OF EIGHT
20 ARTICLES WITHIN THAT CHAPTER. AND THEN BROKEN DOWN UNDER
21 DETAILED ANALYSIS, YOU WILL SEE EACH OF THE SEPARATE
22 EIGHT ARTICLES BROKEN OUT WITH THE SECTIONS WITHIN THOSE
23 ARTICLES WHICH WILL GIVE AN OVERALL, SAY, TEMPLATE AS TO
24 HOW WE'RE GOING TO APPROACH THE DISCUSSION ABOUT THE
25 ENTIRE CHAPTER.



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1 BOARD MEMBER BEAUTROW: AND THEN YOU'VE GONE
2 THROUGH AND CHANGED THE NUMBERS IN SOME OF THE SECTIONS.

3 MR. LARSON: THEY'RE PRESENTED IN THE ORDER AND
4 THE EXACT LANGUAGE THAT THEY EXIST IN CODE TODAY WITH THE
5 NUMBERS THAT ARE REFERRED TO IN THE CURRENT CODE. AND,
6 OF COURSE, AS WE SEE OBSOLETE OR OPPORTUNITIES TO COMBINE
7 SECTIONS, THE NEW NUMBERING SECTION IS IDENTIFIED UNDER
8 PROPOSED LANGUAGE AS IT'S PRESENTED.

9 BOARD MEMBER BEAUTROW: WHY DO WE HAVE -- I
10 UNDERSTAND THE STRIKEOUT, YOU KNOW, THE OLD AND THE NEW,
11 BUT WE'VE GOT -- ALSO GOT BOLD, WE'VE GOT CONDENSED
12 PRINT. LOOK AT ON PAGE 41, TEXT OF CURRENT REGULATIONS,
13 YOU ARE QUOTING, I GUESS, 17100, WHICH IS THE AUTHORITY.
14 EVEN THOUGH THAT'S ALL IN BOLD --

15 MR. LARSON: THAT'S THE CODE TODAY.

16 BOARD MEMBER BEAUTROW: SO YOU'RE ONLY DOING
17 THAT IN EVERY CASE IN THE TEXT OF THE CURRENT
18 REGULATIONS, THEY'RE GOING TO BE IN THE SMALL, BOLD TYPE.

19 MR. SMITH: THE SIGNIFICANT EDITS ARE THE
20 STRIKE-THROUGHS, WHICH DELETE OLD WORDING AND THE
21 UNDERLINE, WHICH ADDS NEW WORDING.

22 MR. LARSON: WE COULD HAVE LEFT THE EXISTING
23 TEXT OUT AND GIVEN YOU A SEPARATE DOCUMENT TODAY, BUT IT
24 WOULD HAVE BEEN SHUFFLING PAPER.

25 BOARD MEMBER BEAUTROW: THANK YOU.

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1 MR. SMITH: ON PAGE 33 THERE IS A SUMMARY OF
2 WHAT IS IN EACH OF THE EIGHT ARTICLES IN CHAPTER 2. THE
3 PROPOSED CHANGES BY ARTICLE ARE INDICATED ON PAGE 34, AND
4 I'D LIKE TO KIND OF BRIEFLY GO OVER THOSE BEFORE WE GET
5 INTO THE DETAILED CHANGES FOR EACH SECTION WITHIN THE
6 ARTICLE.

7 ARTICLE 1 WILL BE DELETED SINCE IT IS NOT A
8 TRUE REGULATION.

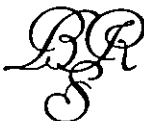
9 ARTICLE 2, WHICH WILL BE MODIFIED TO
10 INCLUDE ADDITIONAL INTENTS FOR THE COUNTY SOLID WASTE
11 MANAGEMENT PLANS, THOSE OF ENSURING THE PROPER SITING OF
12 FUTURE FACILITIES AND PROTECTING EXISTING FACILITIES FROM
13 INCOMPATIBLE LAND USES.

14 ARTICLE 3, WHICH IS -- HAS ALL THE WORKING
15 DEFINITIONS WILL BE -- ALL THE DEFINITIONS WILL BE
16 COMBINED INTO ONE REGULATION. THE DEFINITIONS THAT
17 DUPLICATE THE GOVERNMENT CODE WILL BE DELETED. NEW
18 NEEDED DEFINITIONS WILL BE ADDED.

19 IN ARTICLE 4, WHICH DISCUSSES THE ROLE OF
20 THE COUNTY AND THE COUNTY AGENCIES IN PREPARING THE
21 PLAN -- NO, I'M SORRY.

22 ARTICLE 4 DEALS WITH THE RELATIONSHIP
23 BETWEEN THE COSWMP AND OTHER RELATED COUNTY PLANS. THIS
24 SECTION WILL BE CHANGED TO REQUIRE MORE ACTIVE ROLE OF
25 THE COUNTY IN SEEKING INPUT FROM THE AGENCIES THAT

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1 PREPARE THOSE PLANS.

2 ARTICLE 5, THE SECTION WHICH RELATES TO
3 BOARD OF SUPERVISORS' RESPONSIBILITY IN PREPARING THE
4 COUNTY PLAN, ONE OF THE ARTICLES WHICH DUPLICATES THE
5 GOVERNMENT CODE WILL BE ELIMINATED. A SECOND, WHICH
6 TALKS ABOUT THE COUNTY SOLID WASTE MANAGEMENT PLAN
7 LIAISON, WILL BE MADE MORE CLEAR.

8 ARTICLE 6, A NUMBER OF THE PLAN ELEMENTS
9 WILL BE EXPANDED UPON. THOSE WOULD INCLUDE THE DISPOSAL
10 ELEMENT, THE RESOURCE RECOVERY ELEMENT, AND A NEW ELEMENT
11 WILL BE ADDED FOR HOUSEHOLD HAZARDOUS WASTE.

12 BOARD MEMBER CALLOWAY: MR. CHAIRMAN:

13 CHAIRMAN GALLAGHER: YES, MR. CALLOWAY.

14 BOARD MEMBER CALLOWAY: BEFORE YOU LEAVE NO. 6,
15 DO WE REQUIRE THE COUNTIES, AS A PART OF OUR COSWMP
16 PROGRAM, TO HAVE ANNUAL OR SEMIANNUAL CLEANUP PROGRAMS ON
17 HOUSEHOLD HAZARDOUS?

18 MR. SMITH: THE CURRENT -- THE EXISTING
19 REGULATIONS HAS -- DON'T INCLUDE ANYTHING ON HOUSEHOLD
20 HAZARDOUS WASTE. THE GOVERNMENT CODE SECTION WAS PASSED
21 TWO YEARS AGO REQUIRES THAT COUNTIES PREPARE HOUSEHOLD
22 HAZARDOUS WASTE PROGRAMS FOR THEIR COUNTY. WE'RE
23 CHANGING THESE GUIDELINES SO THAT WE CAN PROVIDE THE
24 PROPER GUIDANCE FOR THE COUNTIES WHEN THEY PREPARE THE
25 PLAN.

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1 BOARD MEMBER CALLOWAY: I UNDERSTAND THAT. AND,
2 OF COURSE, I AM A LOCAL ELECTED OFFICIAL, LIKE MRS.
3 BREMBERG IS, AND I RESPECT LOCAL GOVERNMENT, BUT I AM
4 EMBARRASSED THAT MY COUNTY AND SAN MATEO COUNTY DOES NOT
5 HAVE A CLEANUP PROGRAM OF HOUSEHOLD HAZARDOUS, AND I
6 THINK THIS IS IMPORTANT. I THINK IT'S VERY IMPORTANT
7 THAT THEY DO THIS, AND I CERTAINLY THINK IT SHOULD BE
8 DONE ON LIKE A SEMIANNUAL BASIS WHERE THE PEOPLE CAN TAKE
9 THESE HOUSEHOLD HAZARDOUS MATERIALS AND DROP THEM OFF.

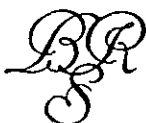
10 AND WHEN YOU DON'T HAVE THAT KIND OF A
11 PROGRAM, YOU KNOW WHAT HAPPENS TO THEM. THEY WIND UP IN
12 THE STORM DRAINS, THEY WIND UP IN THE SEWER SYSTEM, OR
13 WHEREVER, THE LANDFILLS.

14 WHAT I'M TRYING TO SAY IS I THINK WE ARE
15 GOING TO HAVE SOME KIND OF REGULATIONS AT THE STATE LEVEL
16 IF THE COUNTIES ARE NOT GOING TO DO IT. I HAVE ALL THE
17 RESPECT IN THE WORLD FOR LOCAL GOVERNMENT; BUT IF LOCAL
18 GOVERNMENT ISN'T GOING TO DO IT, SOMEBODY IS GOING TO
19 HAVE TO DO IT. AND I KNOW IN MY COUNTY WE DON'T DO IT.
20 AND I IMAGINE THAT IS TRUE WITH A LOT OF OTHER COUNTIES,
21 AND I'D LIKE TO SEE US DO SOMETHING ABOUT THAT IF WE
22 COULD.

23 BOARD MEMBER BREMBERG: MR. CHAIRMAN, IF I MAY
24 RESPOND JUST A MOMENT.

25 CHAIRMAN GALLAGHER: MS. BREMBERG.

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1 BOARD MEMBER BREMBERG: NOT ONLY DOES L.A.
2 COUNTY HAVE PLANS, BUT 43 OF THE 85 CITIES HAVE ALREADY
3 HAD LOCAL COLLECTIONS. AND THIS COMING YEAR ABOUT 74 OF
4 THEM -- 74 OF THE 86 WILL HAVE THEM. AND I THINK THAT,
5 THERE AGAIN, WE'RE BACK TO THE STATE WITH THE SLEDGE
6 HAMMER. I THINK IF THE STATE HELD OUT A CARROT AND A
7 LOLLIPOP AND HELP ON HOW TO SET THEM UP, GATHERING IN, AS
8 WE HAVE ALREADY DONE AND DISTRIBUTING INFORMATION, YOU
9 CAN CALL SO-AND-SO IN THE CITY OF GLENDALE -- ALTHOUGH
10 YOU HAVE THE WRONG NAME, BUT THAT'S INCIDENTAL --
11 SO-AND-SO AT THE COUNTY OF LOS ANGELES TO FIND OUT HOW TO
12 DO IT.

13 AND WITH THE MATERIALS THAT WENT OUT IN THE
14 SYSTEM, MORE AND MORE AND MORE CITIES, AS I GO AROUND
15 THROUGH THE LEAGUE OF CALIFORNIA CITIES CONFERENCE ARE
16 DOING THIS. AND I THINK, PERHAPS, THEY'RE JUST NOT
17 PUBLICIZING IT EXCEPT INTERNALLY THROUGH THE CITY. THEY,
18 PERHAPS, ARE NOT INFORMING THIS BOARD OR ANYBODY ELSE
19 THAT THEY'RE DOING IT. THEY JUST FEEL A VERY STERN
20 RESPONSIBILITY TO DO IT AND ARE JUST KEEPING IT LOCAL.
21 MAYBE THAT'S PART OF THE PROBLEM IS THEIR LACK OF
22 BROAD --

23 BOARD MEMBER CALLOWAY: COORDINATION. I WOULD
24 AGREE. I THINK THAT IS THE PROBLEM. NO ONE HAS PROBABLY
25 SAT DOWN WITH SAN MATEO AND SAID, "HEY, THIS IS A SERIOUS

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1 PROBLEM AND YOU CERTAINLY SHOULD DO SOMETHING ABOUT IT."
2 AS YOU KNOW, THOSE SUPERVISORS, LIKE COUNCILPERSON, ARE
3 PRIMARILY VOLUNTEERING THEIR TIME. THEY CAN'T SPEND ALL
4 OF THEIR LIFE THERE. THEY HAVE FAMILIES AND BUSINESSES
5 TO ATTEND TO, AND THEY CAN'T SPEND ALL OF THEIR TIME
6 DOING THAT.

7 IT'S CERTAINLY SOMETHING I THINK THE
8 RESIDENTS OF THE STATE WOULD WANT DONE. AND I THINK
9 IT'S -- I'M NOT SUGGESTING THAT PROBABLY WE HAVE TO HAVE
10 STATE REGULATIONS THAT ARE GOING TO DO IT, BUT MAYBE
11 THERE'S ONE WAY THAT WE CAN COOPERATE WITH THE COUNTIES
12 THROUGH ENFORCEMENT OF OUR COSWMP RULES OR SOMETHING DO
13 SOMETHING LIKE THAT ON IT. I THINK SOMETHING HAS TO BE
14 DONE ABOUT IT, AND I THINK THE PEOPLE WANT SOMETHING DONE
15 ABOUT IT.

16 MY -- AS I SAID, THE LAST MEETING, MY CITY
17 COUNCIL PASSED AN ORDINANCE AGAINST STYROFOAM. THEY HAD
18 ABOUT 250 PEOPLE IN THE AUDIENCE, AND THEY GAVE THEM A
19 STANDING OVATION FOR FIVE MINUTES. DOES THIS GIVE YOU
20 ANY IDEA THAT THE PUBLIC OUT THERE IS CRYING FOR SOMEBODY
21 TO GIVE SOME LEADERSHIP TO THESE ENVIRONMENTAL PROBLEMS?
22 I MEAN, I THINK IT'S TIME WE DID SOMETHING ABOUT IT, AND
23 THAT WAS THE WHOLE PURPOSE OF BRINGING THIS UP.

24 CHAIRMAN GALLAGHER: MR. CHAIRMAN.

25 BOARD MEMBER VARNER: MR. CHAIRMAN. A QUESTION.



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1 I MEAN, MAYBE GEORGE CAN ANSWER.

2 YOU KNOW WE HAD AN ADVISORY COMMITTEE TO
3 THE WASTE BOARD OVER THIS HOUSEHOLD HAZARDOUS, AND ONE OF
4 THE MOST IMPORTANT ASPECTS OF THIS WHOLE THING IS TO GET
5 INFORMATION OUT TO THE PUBLIC BECAUSE, REALLY, THERE HAS
6 TO BE A LOT OF THAT BECAUSE THERE ARE SOME DANGEROUS
7 ASPECTS TO MIXING CHEMICALS THAT CAN BE INADVERTENTLY
8 DONE AND BE DANGEROUS. CAN YOU TELL ME WHERE WE ARE AT
9 THIS TIME WITH THAT, GEORGE?

10 MR. LARSON: I'LL GIVE YOU THE OVERVIEW OF THE
11 LATEST SITUATION THAT I'M AWARE OF. TO GO BACK A LITTLE
12 BIT IN LEGISLATIVE HISTORY, ANYWAY, THE FIRST ACTIVITY
13 THE BOARD WAS INVOLVED WITH WAS THE PASSAGE OF AB 1809,
14 WHICH SET UP A REQUIREMENT FOR A TASK FORCE OR A
15 COMMITTEE TO BE FORMED THAT BROUGHT RECOMMENDATIONS TO
16 THIS BOARD.

17 UNFORTUNATELY, IN THAT LEGISLATION THERE
18 WAS NO MECHANISM IN TERMS OF, SAY, FUNDING FOR US TO DO
19 MUCH ON AN OUTREACH-TYPE ACTIVITY. HOWEVER, THE EFFORT
20 WAS WELL SPENT SINCE SUBSEQUENT LEGISLATION, AB 2448,
21 ALSO ADDRESSES THE ISSUE OF HOUSEHOLD HAZARDOUS WASTE,
22 AND WE HAVE SET UP A SECTION AND I BELIEVE IT'S FULLY
23 STAFFED UNDER MR. DAVID STRICKLER'S LEADERSHIP, AND ALSO
24 PROVIDES SOME FUNDS FOR CREATING OUTREACH ACTIVITIES.

25 I AM NOT CERTAIN NOW TO INFORM THE BOARD AS



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1 TO WHAT EXACT PROCEDURES THEY UTILIZE, OR THEY'LL USE AN
2 800 TOLL-FREE NUMBER OR WHETHER THEY'LL HAVE OTHER TYPES
3 OF MEDIA AND PUBLIC INFORMATION ACTIVITIES. I THINK THAT
4 WE COULD, IN SHORT ORDER, GET THAT INFORMATION AND BRING
5 IT BACK TO YOU TO UPDATE YOU ON THE ACTIVITIES IN THAT
6 AREA.

7 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

8 CHAIRMAN GALLAGHER: MR. MOSCONE.

9 BOARD MEMBER MOSCONE: HAVE WE CHANGED THE
10 FORMAT OF WHAT WE MENTIONED EARLIER, THAT WE WERE GOING
11 TO GO ALL THROUGH THIS THING AND THEN TAKE ALL THE
12 COMMENTS, OR ARE WE GOING TO FALL BACK AND TAKE EACH AS
13 WE GO ALONG.

14 MR. LARSON: IF I MAY, WITH THE CHAIRMAN'S
15 APPROVAL, THIS IS A TOPIC -- THIS TOPIC OR THIS ISSUE IS
16 AN EXAMPLE OF HOW I THINK WE COULD END UP SKIPPING AROUND
17 THESE REGULATIONS AND HITTING ISSUES. FOR EXAMPLE, AND I
18 WOULD -- MY SUGGESTION WOULD BE THAT WE NOT SKIP AROUND.

19 THIS ISSUE OF HOUSEHOLD HAZARDOUS WASTE IS
20 ADDRESSED IN VERY SPECIFIC DETAIL IN SOME OF THE PROPOSED
21 REGULATIONS, WHICH WE WILL GET TO IF WE TAKE IT IN A
22 SEQUENTIAL ORDER. PERHAPS THAT MAY BE THE MOST ORDERLY
23 MANNER IN WHICH TO PROCEED THROUGH. AND THEN, IF AT THE
24 END, THERE IS AN AREA WHICH HASN'T -- THE BOARD FEELS HAS
25 NOT BEEN ADEQUATELY ADDRESSED OR SOMEONE IN THE AUDIENCE.

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1 THEN, WE COULD SPEND ADDITIONAL TIME ON THAT.

2 CHAIRMAN GALLAGHER: CHAIR APOLOGIZES FOR NOT
3 HAVING HELD IT IN BETTER CONTROL, BUT I THINK YOU COULD
4 GET A FLAVOR FROM WHAT HAS BEEN SAID HERE THAT THEY HAVE
5 GREAT CONCERN AND THE REGULATIONS OUGHT TO REFLECT THAT
6 AS YOU BRING THEM BACK TO US.

7 BOARD MEMBER VARNER: MR. CHAIRMAN, WE'RE GOING
8 TO TALK ABOUT THIS LATER THEN, IS THAT IT? FINE. I HAVE
9 SOME OTHER THINGS I'D LIKE TO SAY.

10 CHAIRMAN GALLAGHER: CAN WE GO AHEAD THEN?

11 MR. SMITH: THE LAST TWO ARTICLES THAT WERE
12 REVIEWED AND SUGGESTED CHANGES WERE MADE WERE ARTICLE 7
13 AND ARTICLE 8. THEY PRESCRIBE THE PROCEDURES --

14 ARTICLE 7 PRESCRIBES THE PROCEDURES FOR
15 PREPARING PLAN DOCUMENTS AND PLAN REVISION DOCUMENTS.

16 ARTICLE 8, WITH ANOTHER SET OF PROCEDURES,
17 DESCRIBES HOW AMENDMENTS ARE PREPARED AND APPROVED.

18 WHAT WE ARE PROPOSING IS THAT ARTICLE 7 AND
19 ARTICLE 8 BE COMBINED SO THAT IT IS EASIER FOR THOSE
20 USING THEM SO THEY CAN FIND WHERE THE INFORMATION IS ON
21 THE APPROPRIATE DOCUMENT. ALSO, WE'VE LOOKED AT BOTH
22 THESE ARTICLES, AND WE'VE REWRITTEN THEM TO MAKE THEM
23 MORE CLEAR. AND TO MAKE IT MORE CLEAR THE PROPER
24 SEQUENCE ONE HAS TO GO THROUGH IN PREPARING AND REVISING
25 THESE DOCUMENTS.

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1 NOW, I'D LIKE TO TURN TO ARTICLE 1 OF
2 CHAPTER 2. THAT'S PAGE 41 IN YOUR BOARD PACKET. ARTICLE
3 1 SIMPLY IS A STATEMENT OF THE GOVERNMENT CODE SECTIONS
4 THAT ARE BEING USED TO PREPARE THESE REGULATIONS.
5 ACCORDING TO THE OFFICE OF ADMINISTRATIVE LAW, THIS IS
6 NOT A TRUE REGULATION, SO WE'RE RECOMMENDING THAT, SINCE
7 IT'S NOT A REGULATION, THAT IT BE DELETED.

8 TURNING TO ARTICLE 2, THIS ARTICLE
9 DESCRIBES THE -- I'M SORRY --

10 CHAIRMAN GALLAGHER: MR. BEAUTROW.

11 BOARD MEMBER BEAUTROW: WHAT ARE YOU DELETING?
12 IN OTHER WORDS, B ON PAGE 41 IS THE TEXT OF THE CURRENT
13 REGULATION. ARE YOU JUST STRIKING OUT THE SECTION
14 REFERENCES OR ARE YOU STRIKING -- IN OTHER WORDS, YOU
15 SAID THAT YOU ARE GOING TO STRIKE OUT WHAT YOU ARE NOT
16 GOING TO DO, NOT GOING TO USE OR CHANGE, RIGHT? SO WHAT
17 HAVE YOU STRUCK OUT THERE?

18 MR. SMITH: THE ENTIRE SECTION. WE USED THE
19 STRIKEOUTS AND THE UNDERLINES WHEN WE PUT IN REVISED
20 WORDING THAT REFLECTS BOTH THE OLD AND THE NEW.

21 BOARD MEMBER BEAUTROW: SO I CAN UNDERSTAND IT,
22 I CAN TAKE MY PEN AND GO ACROSS B AND THE WHOLE THING IS
23 GONE. THAT'S WHAT I'M TRYING TO GET AT.

24 MR. SMITH: I'M SORRY. IN THE CASE WHERE WE'RE
25 STRIKING THE ENTIRE SECTION --

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1 BOARD MEMBER BEAUTROW: THEN IT SHOULD BE ALL
2 STRUCK OUT HERE.

3 MR. SMITH: OKAY. I'M SORRY FOR THAT.

4 ARTICLE 2 DESCRIBES THE PURPOSE AND THE
5 INTENT OF THE COUNTY SOLID WASTE MANAGEMENT PLANS. THERE
6 ARE TWO -- THE FIRST SECTION IN THAT ARTICLE, 17105, WE
7 JUST FOUND AFTER REVIEW THAT IT JUST NEEDS MINOR CHANGES
8 TO MAKE IT MORE CLEAR. THERE AREN'T ANY SUBSTANTIVE
9 CHANGES TO THAT ARTICLE AS YOU CAN SEE IN THE PROPOSED
10 REGULATORY LANGUAGE IN D.

11 IN THE SECOND SECTION, 17106, OF THIS
12 ARTICLE, THIS DOES NOT MEET OAL'S CRITERION FOR CLARITY
13 OF INTENT. THE INTENT LANGUAGE DOESN'T ADDRESS THE NEED
14 FOR THE TIMELY AND ORDERLY ESTABLISHMENT OF SOLID WASTE
15 FACILITIES, AND IT PROVIDES INSUFFICIENT INFORMATION ON
16 THE NEED TO PROTECT EXISTING FACILITIES FROM
17 NONCOMPATIBLE LAND USES. SO WE'RE SUGGESTING IN THE
18 REVISION OF THIS REGULATION THAT THOSE TWO INTENTS BE
19 INDICATED OR INCLUDED IN THE NEW REGULATION AS SHOWN IN
20 SECTION D, PAGE 44.

21 THAT CONCLUDES ARTICLE 2.

22 TURNING TO ARTICLE 3, THE DEFINITIONS OF
23 THE CHAPTER, THESE ARE THE WORKING DEFINITIONS WE USE TO
24 IMPLEMENT IT. AS I SAID BEFORE, THERE ARE A NUMBER OF
25 DEFINITIONS THAT DUPLICATE THE GOVERNMENT CODE. THERE

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1 ARE ALSO -- AND ALSO ADDITIONAL DEFINITIONS ARE NEEDED TO
2 BE ADDED SO THAT THE NEW CHANGES IN THE GOVERNMENT CODE
3 CAN BE IMPLEMENTED THROUGH REGULATIONS.

4 SO IF YOU -- SO ALL THE ONES THAT ARE
5 DUPLICATING, WE'VE STRUCK OUT ALL THOSE THAT DUPLICATE
6 EXISTING GOVERNMENT CODE. WE'VE ADDED -- I SAID THREE,
7 BUT I'M SORRY, THERE'S FIVE NEW DEFINITIONS, AND I CAN
8 BRIEFLY GO OVER THOSE.

9 WE'RE ADDING THE DEFINITION FOR PERMITTED
10 DISPOSAL CAPACITY SO THE COUNTIES KNOW WHAT TO MEASURE
11 WHEN THEY COUNT THEIR EIGHT YEARS OF REMAINING PERMITTED
12 CAPACITY.

13 WE'VE ADDED A TERM "PLAN APPROVAL." FOR
14 THOSE OF WHO RECALL, LOS ANGELES HAD A DIFFERENT
15 INTERPRETATION THAN THIS BOARD HAD ON WHAT EXACTLY AN
16 APPROVED PLAN WAS. THIS DEFINITION ATTEMPTS TO CLARIFY
17 THAT.

18 WE'VE ALSO ADDED THE TERM "RESERVED
19 DISPOSAL CAPACITY," AND TO REFLECT THE REQUIREMENTS OF AB
20 1462, WHICH REQUIRES THAT YOU DESIGNATE FUTURE SITES IN
21 BOTH THE COUNTY PLAN AND THE GENERAL PLAN.

22 BOARD MEMBER BREMBERG: MR. CHAIRMAN?

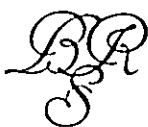
23 CHAIRMAN GALLAGHER: MS. BREMBERG.

24 BOARD MEMBER BREMBERG: IS THIS WHERE THE
25 DEFINITION OF RESERVED SITES AND SO FORTH WOULD COME IN?

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1 MR. SMITH: RIGHT. THE FIRST DEFINITION,
2 RESERVE DISPOSAL SITE, WOULD DEFINE THOSE FACILITIES THAT
3 WERE IN BOTH PLANS. AND L, TENTATIVELY RESERVED DISPOSAL
4 AREA, ON 1-5 DEFINES TENTATIVELY IDENTIFIED.

5 BOARD MEMBER BREMBERG: GIVE ME A PAGE NUMBER.

6 MR. OLDALL: ON 49 AND 50. BOTTOM OF 49 IS
7 RESERVED DISPOSAL AREA.

8 BOARD MEMBER BREMBERG: OKAY. NOW, IT SAYS HERE
9 VERY CLEARLY, "THE DISPOSAL AREA RESERVED IN THE CURRENT
10 AND APPLICABLE GENERAL PLAN AND THE COUNTY SOLID WASTE
11 MANAGEMENT PLAN." I WOULD -- WHAT DOES THAT MEAN? I
12 KNOW WHAT I THINK IT MEANS, YOU KNOW WHAT YOU THINK IT
13 MEANS, AND, OBVIOUSLY, COUNTY PLANS PRESENT WHAT THEY
14 THINK IT MEANS, AND VERY OFTEN ALL THREE HAVE BEEN IN
15 CONFLICT.

16 MR. SMITH: PART OF THE REASON IS THIS IS A
17 RECENT GOVERNMENT CODE REQUIREMENT AND IT HASN'T BEEN IN
18 REGULATION.

19 BOARD MEMBER BREMBERG: BUT STILL IT HAS TO BE
20 DEFINED MORE THAN JUST RESERVE. THEY CAN PUT X'S ON THE
21 MAP AND SAY WE HAVE RESERVED EIGHT SITES; BUT IF NOT ONE
22 OF THE EIGHT HAS BEEN ACCEPTED BY THE BOARD OF
23 SUPERVISORS AS VIABLE SITES TO BE UTILIZED, IT REALLY
24 DOESN'T MATTER HOW MANY YOU RESERVE, DOES IT?

25 ATTORNEY CONHEIM: MR. CHAIRMAN, AND MRS.



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1 BREMBERG, I THINK WHAT MRS. BREMBERG IS FOCUSING ON IS
2 THE USE IN THE ACTUAL TEXT OF THE DEFINITION OF THE WORD
3 "RESERVED." SINCE THAT HAS NO TERM OF ART MEANING FOR
4 GENERAL PLANS, WE'LL HAVE TO CLARIFY THAT BECAUSE I THINK
5 WHAT WE MEAN IS INCLUDED IN THE APPLICABLE GENERAL PLAN
6 OR DESIGNATED, WHATEVER THE TERM OF ART IS FOR GENERAL
7 PLANS, AND I THINK WE NEED TO PUT THAT IN THERE AS WELL.
8 WE'LL JUST HAVE TO TAKE A LOOK AT THAT AND MAKE SURE
9 THAT'S CLEAR.

10 BOARD MEMBER BREMBERG: BECAUSE FEW PEOPLE ARE
11 GOING TO READ THE TRANSCRIPT AND SAY, "WHAT WE MEANT TO
12 SAY WAS."

13 MR. SMITH: THAT'S A GOOD POINT.

14 ATTORNEY CONHEIM: THAT'S THE KIND OF COMMENT,
15 YOU KNOW, IN THE BEST OF INTENTIONS IN TRYING TO GET THIS
16 PRODUCT OUT, WE NEED TO GET THOSE COMMENTS FROM YOU
17 BECAUSE THAT'S JUST -- THAT HAS TO BE CHANGED IN ORDER TO
18 BE MADE MORE CLEAR.

19 BOARD MEMBER BREMBERG: THANK YOU.

20 CHAIRMAN GALLAGHER: YOU WANT TO MOVE AHEAD.

21 MR. SMITH: ONE LAST DEFINITION IS WASTE
22 REDUCTION. WE DID NOT HAVE A DEFINITION OF WASTE
23 REDUCTION IN THE GOVERNMENT CODE OR OUR REGULATIONS, SO
24 THAT'S BEEN ADDED. SO THAT WOULD CONCLUDE ARTICLE 3.

25 BOARD MEMBER CALLOWAY: EXCUSE ME, MR. CHAIRMAN.

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1 DO I UNDERSTAND WE'RE TO HOLD OUR COMMENTS AND WE CAN
2 COME BACK TO THIS WASTE REDUCTION? I HAVE A COUPLE OF
3 QUESTIONS. DO I UNDERSTAND THAT'S THE PROCEDURE?

4 CHAIRMAN GALLAGHER: THAT'S WHAT WE'D LIKE TO
5 DO. MAKE A NOTE OF IT; AND WHEN WE GET TO THE END OF IT,
6 WE'LL HAVE AN OPEN DISCUSSION.

7 BOARD MEMBER CALLOWAY: THANK YOU.

8 MR. SMITH: ARTICLE 4 DEALS WITH THE
9 RELATIONSHIP OF THE COUNTY SOLID WASTE MANAGEMENT PLAN
10 WITH OTHER RELATED STATE AND LOCAL PLANS. THE FIRST
11 SECTION THAT DEALS -- THE FIRST SECTION IN THIS ARTICLE
12 TALKS ABOUT THE NEED FOR PLANS TO COMPLY WITH THE
13 CALIFORNIA ENVIRONMENTAL QUALITY ACT. AFTER EVALUATING
14 THIS SECTION, IT APPEARED TO BE IN PRETTY GOOD ORDER. WE
15 JUST CHANGED SOME WORDS TO MAKE THE LANGUAGE A LITTLE
16 MORE CLEAR. THERE'S NO SUBSTANTIVE CHANGE FOR THAT
17 SECTION.

18 THE SECOND SECTION WHICH DEALS WITH THE --
19 IN THIS ARTICLE WHICH DEALS WITH THE COMPATIBILITY OF THE
20 COSWMP WITH OTHER PLANS, WE FOUND THERE WAS A WEAKNESS IN
21 THAT IT DIDN'T STATE HOW, YOU KNOW, THE OTHER -- HOW THE
22 COUNTY WOULD GET INPUT FROM OTHERS -- FROM THE PREPARERS
23 OF RELATED PLANS. SO WHAT WE'VE DONE IN THIS SECTION IS
24 WE'VE STATED THAT THE COUNTY MUST ACTIVELY SEEK THE INPUT
25 OF THE AGENCIES RESPONSIBLE FOR PREPARING THESE OTHER

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1 PLANS.

2 ALSO, IN ARTICLE 7 WE'VE MADE IT A
3 REQUIREMENT THAT WHEN THE DRAFT PLAN AND FINAL PLAN ARE
4 CIRCULATED, THAT THOSE AGENCIES BE SENT A COPY FOR
5 COMMENT. THAT CONCLUDES ARTICLE 4.

6 ARTICLE 5 DISCUSSES THE ROLE OF THE BOARD
7 OF SUPERVISORS AND THOSE AGENCIES THEY DESIGNATE FOR
8 PREPARING THESE COUNTY SOLID WASTE MANAGEMENT PLANS. THE
9 FIRST SECTION IN THIS ARTICLE, 17127, ON PAGE 53
10 IDENTIFIES THE ROLE OF THE COUNTY BOARD OF SUPERVISORS.
11 THAT ROLE IS ALREADY PRETTY CLEARLY SPELLED OUT IN THE
12 GOVERNMENT CODE. SO WE WOULD HAVE TO MEET OAL'S
13 CRITERION FOR NONDUPLICATION. WE RECOMMEND THAT THAT
14 PARTICULAR SECTION BE DELETED.

15 THE SECTION IN THE ARTICLE THAT TALKS ABOUT
16 THE -- HOW THE COUNTY PLAN LIAISON IS CHOSEN BY THE
17 COUNTY, WE'VE JUST CHANGED FOR CLARITY. WE'VE ALSO
18 ELIMINATED SOME OF THE UNNECESSARY DETAIL IN THAT
19 SECTION.

20 TURNING TO PROBABLY THE MOST IMPORTANT
21 ARTICLE OF THE REGULATIONS IS ARTICLE 6, AND THAT ARTICLE
22 SPELLS OUT THE REQUIRED PLAN ELEMENTS. THE FIRST SECTION
23 IN THAT ARTICLE DEALS WITH -- THE FIRST SECTION DEALS
24 WITH THE GENERAL REQUIREMENTS THAT THE PLAN AND
25 SUBSEQUENT REVISIONS AND AMENDMENT MUST MEET. WE'VE

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1 REVIEWED THE GENERAL REQUIREMENTS IN THAT SECTION AND
2 FEEL THAT THEY APPEAR TO BE QUITE ADEQUATE. WE JUST MADE
3 SOME MINOR CHANGES TO MAKE THEM READ MORE CLEARLY.
4 THAT'S ON PAGE 55. THE CHANGES ARE ON PAGE 56 OF YOUR
5 BOARD PACKET.

6 17130 DEALS WITH THE SHORT, MEDIUM, AND
7 LONG-TERM OBJECTIVES FOR THE PLANS AND THE MEASURES TO
8 IMPLEMENT. IN REVIEWING THIS SECTION, WE FELT -- WE
9 DETERMINED THAT THE GUIDANCE ON THE MEDIUM AND LONG-TERM
10 OBJECTIVES AND MEASURES TO IMPLEMENT THEM REQUIRED MORE
11 DETAIL.

12 WE, IN REWRITING IT, HAVE MADE THE MEDIUM
13 AND LONG-TERM MORE SPECIFIC. IN THE MEDIUM-TERM,
14 PREPARERS, IN DEVELOPING OBJECTIVES AND MEASURES, MUST
15 DEVELOP THE MEASURES AND OBJECTIVES SPECIFIC ENOUGH TO
16 DETERMINE THE FEASIBILITY OF PROPOSALS.

17 FOR THE LONG TERM, WE'RE ASKING THAT THE
18 PLAN SHOW AND THAT THE OBJECTIVES AND MEASURES FOR THE
19 LONG TERM SHOULD ENSURE A SOUND, EFFICIENT, AND
20 ENVIRONMENTALLY SAFE SOLID WASTE SYSTEM WHICH MAXIMIZES
21 WASTE DIVERSION FROM LANDFILLS. BEFORE IT WAS VERY BROAD
22 IN TERMS OF THE GUIDANCE WAS GIVEN COUNTIES.

23 TURNING TO THE NEXT SECTION, 17131, THIS
24 SECTION DEALS WITH THE IDENTIFICATION OF EXISTING AND
25 PROPOSED WASTE QUANTITIES THAT WOULD BE GENERATED IN THE



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1 COUNTY. WE FOUND THAT THIS SECTION DID NOT HAVE PROPER
2 GUIDANCE ON HOW TO ESTIMATE FUTURE QUANTITIES OF SOLID
3 WASTE.

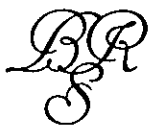
4 WE ALSO FOUND THAT IN THE WASTES THAT THEY
5 WERE REQUIRED TO IDENTIFY, ASBESTOS AND DESIGNATED WASTE
6 AND HOUSEHOLD HAZARDOUS WASTES WERE NOT IDENTIFIED. IN
7 REWRITING -- THE SUGGESTED REWRITE FOR THIS SECTION,
8 WE'VE REQUIRED THAT FUTURE WASTE QUANTITIES BE BASED ON
9 BOTH OFFICIAL POPULATION PROJECTIONS AND THE HISTORIC
10 INCREASES IN WASTE GENERATION RATES.

11 BOARD MEMBER BREMBERG: YOU'VE LEFT OUT A VERB.
12 SHOULD BE BASED AND THAT'S JUST AN EDITORIAL CORRECTION.

13 ATTORNEY CONHEIM: THAT'S GOOD.

14 MR. SMITH: ALSO, THE PLANS RIGHT NOW DO NOT
15 REQUIRE THAT COUNTIES IDENTIFY WASTE IMPORTED FROM OTHER
16 COUNTIES, SO WE'RE INCLUDING THAT IN THIS PROPOSED
17 REGULATION. WE'RE ALSO, AGAIN, INCLUDING -- REQUIRING
18 THAT HOUSEHOLD HAZARDOUS WASTE, ASBESTOS WASTE FROM
19 ASBESTOS REMOVAL PROJECTS AND THE DESIGNATED WASTES BE
20 IDENTIFIED IN THIS PLAN ELEMENT.

21 NOW, WE'RE ON PAGE 59, STORAGE AND
22 COLLECTION. RIGHT NOW BOTH THE COLLECTION AND STORAGE
23 ELEMENTS ARE SEPARATE. ALSO, IN THE EXISTING SECTION
24 THERE'S A LOT OF WHAT WE FEEL IS UNNECESSARY NARRATIVE
25 RELATING TO THOSE THAT PROBABLY IS NOT NECESSARY.



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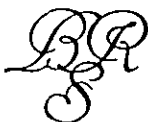
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1 WE ALSO FEEL THAT THE COLLECTION -- THAT
2 ADDITIONAL INFORMATION IS NEEDED IN THE COLLECTION
3 SECTION. IN REWRITING THE REGULATION, SINCE COLLECTION
4 AND STORAGE ARE SO CLOSELY RELATED, WE'RE RECOMMENDING
5 THAT STORAGE AND COLLECTION BE COMBINED TOGETHER. WE'RE
6 ALSO ADDING FOR COLLECTION -- WE'RE ALSO REQUIRING IN THE
7 STORAGE PART OF THAT ELEMENT THAT THE PLAN SHOW THAT THE
8 LOCAL ORDINANCES DO COMPLY WITH OUR STATE MINIMUM
9 STANDARDS FOR STORAGE. AND I THINK THERE'S JUST SOME
10 MINOR CHANGES IN TERMS OF THE ADDITIONAL INFORMATION FOR
11 COLLECTION. AND THAT'S -- WE'RE ON PAGE 61 RIGHT NOW FOR
12 THE PROPOSED WORDING.

13 TURNING TO SECTION 17134 ON PAGE 62 OF YOUR
14 BOARD PACKET, THIS AND THE NEXT PLAN ELEMENT HAVE
15 PROBABLY BEEN GIVEN THE MOST -- HAVE BEEN REVISED THE
16 MOST OR PROPOSING TO REVISE THE MOST. THE EXISTING
17 SECTION ON PROCESSING AND DISPOSAL OF WASTES ARE
18 INCOMPLETE. THERE'S NO DISCUSSION IN THE EXISTING
19 REGULATIONS ON BRINGING FACILITIES INTO COMPLIANCE WITH
20 STATE AND LOCAL ORDINANCES. THERE ARE NO CRITERIA IN THE
21 PLANS FOR -- IN THIS ELEMENT FOR SITING SOLID WASTE
22 FACILITIES.

23 THERE ARE NO CLEAR STATEMENTS ON COST
24 COMPARISONS BETWEEN PROPOSED FACILITIES AND
25 WASTE-TO-ENERGY WHEN THEY'RE CONSIDERING NEW SITES. SO

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1 IN THE -- IN OUR SUGGESTION AND REVISIONS, WHICH START ON
2 PAGE 63, WE'RE ASKING THAT FOR THOSE FACILITIES THAT ARE
3 OUT OF COMPLIANCE WITH EITHER AIR QUALITY OR SOLID WASTE
4 ORDINANCES THAT THE PLAN DISCUSS THOSE VIOLATIONS AND
5 METHODS FOR BRINGING THOSE FACILITIES INTO COMPLIANCE.

6 BOARD MEMBER ARAKALIAN: WERE WE SUPPOSED TO
7 KEEP WAITING?

8 CHAIRMAN GALLAGHER: YES. WE'LL GO BACK AND
9 TAKE EACH ONE OF THEM INDIVIDUALLY.

10 MR. SMITH: WE'RE SAYING THAT -- WE'RE ADDING
11 SITING CRITERIA, THAT COUNTY PLANS HAVE SITING CRITERIA
12 IN THEM. WE'RE SAYING THAT PLAN FACILITIES SHOULD BE
13 BASED ON POSED VOLUMES, SOURCES, AND TYPES OF WASTE FOR
14 DISPOSAL AND THEIR COMPATIBILITY WITH ADJACENT LAND USES.
15 IN CONSIDERING PROPOSED NEW FACILITIES, WE ARE
16 RECOMMENDING THAT THOSE FACILITIES BE COMPARED WITH
17 RESOURCE RECOVERY ALTERNATIVES ON A COST BASIS.

18 ANOTHER NEW ITEM ADDED IS THAT THE
19 CLOSURE/POSTCLOSURE PLANS REQUIRED BY AB 2448 BE OUTLINED
20 IN THE COUNTY SOLID WASTE MANAGEMENT PLAN ELEMENT. WE'RE
21 ELABORATING ON THE SPECIAL WASTE HANDLING PART OF THIS
22 ELEMENT SO THAT THESE WASTES CAN BE HANDLED AND PROCESSED
23 AND DISPOSED OF PROPERLY. ON PAGE 65, BEGINNING -- OH,
24 SECTION 1, ALL THIS NEW INFORMATION HAS BEEN PROVIDED TO
25 IMPLEMENT THE REQUIREMENTS OF AB 1462.

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1 THOSE REQUIREMENTS ARE THAT THE COUNTY SHOW
2 AT THE TIME OF THEIR NEXT PLAN REVISION THAT THEY HAVE A
3 REMAINING PERMITTED CAPACITY OF EIGHT YEARS. AND IF THEY
4 DO NOT HAVE THE EIGHT YEARS, THEN, THEY MUST RESERVE
5 FUTURE DISPOSAL AREAS IN BOTH THE COUNTY SOLID WASTE
6 MANAGEMENT PLAN AND THE GENERAL PLAN; OR, AS THE CODE
7 STATES, THEY MUST SUBMIT A PROGRAM FOR DISPOSAL TO THIS
8 BOARD FOR APPROVAL.

9 ON THE BOTTOM OF PAGE 65, WE'RE SAYING IF
10 THEY'RE UNABLE TO RESERVE THE FUTURE SITES, THAT THESE
11 ITEMS NO. 1 AND 2 HERE ON THE BOTTOM OF 65 MIGHT BE
12 CONSIDERED IN LIEU OF HAVING THE EIGHT YEARS -- I MEAN,
13 THE FUTURE SITES IN BOTH THE COUNTY AND THE GENERAL PLAN.

14 ONE IS A VALID MEMORANDUM OF UNDERSTANDING
15 OR CONTRACT WITH ANOTHER COUNTY WHERE THE DISPOSAL OF
16 SOLID WASTE GENERATED WHICH WOULD GIVE THEM AT LEAST
17 EIGHT YEARS COMBINED PERMITTED CAPACITY. WE'RE ALSO
18 SAYING ANOTHER SITUATION WOULD BE WHERE THEIR
19 ENVIRONMENTAL DOCUMENT HAS ALREADY BEEN CERTIFIED FOR A
20 FACILITY THAT COULD PROVIDE THE NEEDED EIGHT YEARS.

21 THE NEXT OTHER IMPORTANT PLAN ELEMENT THAT
22 WAS LOOKED AT VERY CAREFULLY AND MANY CHANGES MADE TO ARE
23 THE RESOURCE RECOVERY ELEMENT. THIS ELEMENT WOULD COVER
24 ALL WASTE REDUCTION, RECYCLING, COMPOSTING, AND
25 WASTE-TO-ENERGY PROGRAMS.

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1 MR. OLDALL: THIS, I THINK, STARTS ON PAGE 67.

2 MR. SMITH: THE CURRENT TEXT IS ON 66. THE
3 REVISIONS START RIGHT ON PAGE 67.

4 TO HIGHLIGHT THE CHANGES IN THIS SECTION,
5 WE'RE STATING THAT THE COUNTIES WILL STATE THE MEANS FOR
6 IMPLEMENTING A GOAL OF RECYCLING AT LEAST 20 PERCENT OF
7 THE SOLID WASTE GENERATED IN THE COUNTY. STAFF HAS
8 CERTAINLY DURING THE OPEN DISCUSSION PERIOD OPEN TO ANY
9 SUGGESTIONS IN TERMS OF ADJUSTING THAT NUMBER OF 20
10 PERCENT, BUT WE'RE SAYING AT LEAST, THEY SHOULD HAVE AT
11 LEAST A PROGRAM TO DIVERT AT LEAST 20 PERCENT.

12 ALSO, IN THIS REVISED SECTION, WE'RE ASKING
13 THAT THE RESOURCE RECOVERY -- IN THE PREPARATION OF THE
14 RESOURCE RECOVERY ELEMENT, THAT THE INDIVIDUAL COMPONENTS
15 OF THE SOLID WASTE STREAM BE LOOKED AT FOR THE TYPES AND
16 QUANTITIES OF MATERIALS IN THE WASTE STREAM THAT COULD BE
17 RECYCLED. WE'RE ALSO ASKING THAT -- ALL RESOURCE
18 RECOVERY PROGRAMS THAT IF THERE ARE SPECIFIC ECONOMIC,
19 SOCIAL, ENVIRONMENTAL, OR INSTITUTIONAL BARRIERS TO
20 IMPLEMENTING THESE PROGRAMS, THAT THE PLAN ELEMENT
21 DISCUSS THOSE BARRIERS AND INDICATE A PROGRAM WHEREBY
22 THEY COULD ELIMINATE OR HELP OVERCOME THOSE BARRIERS.

23 WE'RE ALSO ASKING THAT THE PLAN ELEMENT
24 HAVE IN IT AN ANNUAL REVIEW OF THE BARRIERS TO RESOURCE
25 RECOVERY.

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1 ALSO, IN THIS SECTION WE'RE PROVIDING MORE
2 GUIDANCE IN TERMS OF APPROPRIATE RESOURCE RECOVERY
3 PROGRAMS. THAT'S ON PAGE 68 (E), NUMBERS 1 THROUGH 7.

4 WE'RE ASKING THE PLAN TO CAREFULLY QUANTIFY
5 THE AMOUNTS OF MATERIALS CURRENTLY DIVERTED BY RESOURCE
6 RECOVERY PROGRAMS AND THAT THE PLAN DEVELOP PROGRAMS
7 FOR -- FUTURE PROGRAMS FOR RESOURCE RECOVERY; AND, AGAIN,
8 THAT INCLUDES WASTE REDUCTION, RECYCLING, COMPOSTING, AND
9 WASTE-TO-ENERGY.

10 TURNING TO THE NEXT SECTION 17136.

11 CHAIRMAN GALLAGHER: MR. SMITH, IT SEEMS THAT
12 THIS IS AN APPROPRIATE TIME, SINCE YOU HAVE CONCLUDED
13 YOUR REMARKS ON THAT ONE, THAT WE KIND OF CHANGE THE
14 RULES OF THE BALL GAME. I'M AFRAID WE'RE GETTING SO FAR
15 AHEAD NOW, THAT SOME OF THE TRAINS OF THOUGHT ARE GOING
16 TO BE LOST UP HERE. SO I'M GOING TO ASK YOU TO STOP
17 THERE AND NOW LET'S GO BACK AND GIVE THE BOARD AN
18 OPPORTUNITY TO ASK THE QUESTIONS AND MAKE WHATEVER INPUT
19 THEY WANT.

20 TIME IS KIND OF RUNNING AWAY FROM US, AND
21 FINDING AN APPROPRIATE TIME TO CUT IN IS RATHER
22 DIFFICULT. BUT IF WE WANT TO GO BACK NOW AND THE BOARD
23 MEMBERS ARE FREE, AT THIS STAGE OF THE GAME, TO ASK THEIR
24 QUESTIONS, MAKE THEIR SUGGESTIONS TO GUIDE STAFF.

25 I THINK YOU HAVE JUST DONE A FANTASTIC

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1 AMOUNT OF WORK, AND THESE FOLKS WILL GIVE YOU SOME INPUT
2 THAT MAY HELP YOU GO FURTHER. I'M STILL GOING TO ASK
3 THAT THE PUBLIC WITHHOLD THEIR COMMENTS UNTIL WE HAVE
4 FINISHED, BUT I DO THINK THE BOARD MEMBERS OUGHT TO GET
5 THEIR LICKS IN HERE AS MUCH AS WE CAN. I'LL TRY TO
6 RECOGNIZE ALL OF YOU.

7 MR. CALLOWAY, WHY DON'T YOU LEAD OFF.

8 BOARD MEMBER CALLOWAY: THANK YOU, MR. CHAIRMAN.
9 ON PAGE 67 AND 68 -- AND THAT'S WHAT WE'VE JUST BEEN
10 TALKING ABOUT HERE -- ONE OF THE THINGS ON 68, WE'RE
11 SAYING, BOTTOM OF THE FIRST PARAGRAPH, "WASTE REDUCTION
12 AND RECYCLING PROGRAMS MAY, FOR AN EXAMPLE, CONSIST OF."
13 COULDN'T WE CHANGE THAT AND SAY, "SHALL CONSIST OF THE
14 FOLLOWING"?

15 I MEAN IF WE'RE GOING TO WRITE SOMETHING --
16 "MAY" DOESN'T MEAN MUCH TO ME. IT MAY RAIN TOMORROW, BUT
17 IT MAY NOT. IF WE'RE GOING TO HAVE A PROGRAM, WHY CAN'T
18 WE SPELL IT OUT? AND IF WE'RE GOING TO HAVE REGULATIONS,
19 WHY CAN'T WE SPELL THEM OUT AND SAY SHALL CONSIST OF?

20 MR. SMITH: I'M JUST TRYING TO LOOK AT THE
21 IMPLICATIONS OF DOING THAT. WE CAN CONSIDER THAT.

22 BOARD MEMBER CALLOWAY: THAT'S ALL RIGHT. YOU
23 DON'T HAVE TO ANSWER IT NOW.

24 ON PAGE 67, UNDER NO. 1, THIS IS "THE PLAN
25 SHALL IDENTIFY POTENTIALLY RECOVERABLE MATERIALS," AND SO



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1 FORTH AND SO ON. WE SHOULD ADD TIRES, I THINK. NOT
2 NECESSARILY AUTOMOBILE TIRES, BUT TIRES THERE AND OTHER
3 RUBBER PRODUCTS.

4 MR. SMITH: THAT WOULD BE GOOD.

5 BOARD MEMBER CALLOWAY: TO INCLUDE, IF THAT'S
6 NOT INCLUDED IN THERE. ALSO, I'D LIKE TO --

7 BOARD MEMBER MOSCONE: AS LONG AS YOU ARE ON
8 THAT, I HAD ONE COMMENT. YOU'VE GOT MIXED WASTE PAPER,
9 COTTON RAGS. WHY SHOULDN'T THIS INCLUDE ALL RAGS, OR IS
10 THIS BECAUSE -- I DON'T KNOW. I HAVEN'T BEEN UP -- I
11 DON'T KNOW IF THERE'S ANY MARKET ANYMORE FOR WOOLEN KNITS
12 AND WORSTED AND ALL OF THAT KIND OF STUFF, WHETHER THESE
13 SALVATION ARMY OR GOODWILL ARE STILL DOING THAT, SORTING
14 THESE OR NOT, I DON'T KNOW. I KNOW THAT WE USED TO DO IT
15 IN THE OLD DAYS WHEN WE USED TO BE IN THE JUNK BUSINESS.

16 CHAIRMAN GALLAGHER: MIGHT YOU NOT JUST USE THE
17 WORD "TEXTILES" RATHER THAN TRYING TO IDENTIFY IT AS A
18 RAG, TEXTILES?

19 BOARD MEMBER VARNER: MR. CHAIRMAN, WHILE WE'RE
20 ON THAT ONE, I HAVE A QUESTION ON THAT AND OTHERS. WE'RE
21 TALKING ABOUT A NUMBER OF ITEMS HERE AND THEY'VE ADDED
22 SOME MORE THAT WHEN WE SAY POTENTIALLY, ARE WE TALKING
23 ABOUT AMOUNTS BECAUSE I THINK IN MY OWN MIND, HAVING BEEN
24 IN THIS BUSINESS, IF WE'RE TALKING ABOUT AMOUNTS, HOW IN
25 THE WORLD DO WE GO ABOUT DECIDING WHAT AMOUNT OF A

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1 CERTAIN LOAD OR SO FORTH IS RECOVERABLE? THAT'S A PRETTY
2 DIFFICULT THING FOR SOMEBODY TO ASSESS. HOW DO WE GO
3 ABOUT DOING THAT? I WAS THINKING OF THE MECHANICS OF
4 THAT. JUST HOW IN THE WORLD WOULD ANYBODY DO IT?

5 MR. SMITH: THEY WOULD -- IT WOULD BE BASED ON
6 HOW DETAILED THE RECORDS WERE AT THE DISPOSAL SITE. I
7 THINK THE DISPOSAL SITE WOULD BE WHERE THEY WOULD TRY TO
8 GET, YOU KNOW, THAT INFORMATION OR THE COMBINED DISPOSAL
9 SITES.

10 BOARD MEMBER VARNER: I DON'T KNOW HOW SOMEBODY
11 LOOK AT A LOAD AND SAY THERE'S X NUMBER OF POUNDS OUT OF
12 THIS LOAD OF SUCH AND SUCH AND SUCH COULD BE RECOVERED OR
13 OUT OF A DAY'S ACTIVITY. I CAN UNDERSTAND IDENTIFYING
14 POTENTIALLY RECOVERABLE ITEMS. BUT IF YOU ARE GOING TO
15 MAKE IT -- I'M THINKING OF SOMEBODY TRYING TO WRITE A
16 PLAN THAT WOULD SATISFY THESE REGULATIONS TO IDENTIFY AN
17 AMOUNT OF RECOVERABLE MATERIAL, THAT'S JUST AN ABSOLUTELY
18 A WILD GUESS, AND THERE ISN'T ANY WAY IN THE WORLD YOU
19 COULD DO IT.

20 BOARD MEMBER MOSCONE: MR. VARNER, EXCUSE ME FOR
21 INTERRUPTING. ARE YOU REFERRING TO C?

22 BOARD MEMBER VARNER: ONE.

23 CHAIRMAN GALLAGHER: ONE UNDER C.

24 BOARD MEMBER VARNER: "THE PLAN SHALL IDENTIFY
25 THE POTENTIALLY RECOVERABLE MATERIALS." IF WE'RE JUST

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1 IDENTIFYING THE MATERIALS, THAT'S ONE THING. BUT IF
2 IDENTIFYING AMOUNTS, JOHN, YOU ARE MORE KNOWLEDGEABLE
3 THAN I, COULD YOU IDENTIFY HOW MANY -- WHAT AMOUNT THERE
4 IS IN ANY GIVEN LOAD OR LOADS OR COMBINATION THEREOF?

5 BOARD MEMBER MOSCONE: NO. I HAD PRETTY MUCH
6 THE SAME TYPE OF QUESTION FOR C.

7 BOARD MEMBER VARNER: WELL, I'M SURE IT APPLIES
8 THE SAME WAY.

9 CHAIRMAN GALLAGHER: I THINK THE WORD
10 "POTENTIAL" IS UNNECESSARY. I THINK THE PLAN SHOULD
11 IDENTIFY RECOVERABLE, NOT POTENTIALLY RECOVERABLE ITEMS.
12 INSOFAR AS WHETHER OR NOT IT'S ECONOMICALLY SOUND TO
13 PURSUE IT FURTHER IS ANOTHER THING, BUT --

14 BOARD MEMBER VARNER: SEE, WE GET ON DOWN INTO
15 TWO AND THREE, AND IT TALKS ABOUT ANNUAL TONNAGE AND
16 PERCENTAGE BY WEIGHT OF EACH ONE OF THESE MATERIALS. HOW
17 IN THE GOD'S GREEN EARTH CAN YOU POSSIBLY DO THAT?

18 BOARD MEMBER BEAUTROW: MR. CHAIRMAN, I WAS
19 GOING TO -- THIS IS ALL -- I GUESS WE CAN TALK ALL ON THE
20 SAME SUBJECT WITHOUT INTERRUPTING MR. CALLOWAY.

21 BOARD MEMBER CALLOWAY: YEAH, WHEN YOU GUYS GET
22 DONE, I'D LIKE TO FINISH. THANK YOU. APPRECIATE IT.

23 BOARD MEMBER BEAUTROW: WAIT A MINUTE.

24 BOARD MEMBER MOSCONE: I'M GOING TO GO THROUGH
25 SECTION BY SECTION.



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1 BOARD MEMBER BEAUTROW: JIM, AS WAS GOING TO
2 SAY, AS LONG AS THERE'S LAUNDRY LIST HERE, WHICH IS WHAT
3 IT IS, WHY DON'T YOU INSTEAD -- YOU CAN -- AFTER
4 INCLUDING, BUT NOT LIMITED TO THE FOLLOWING. AND THAT'S
5 A COMMON WAY OF SAYING THAT, YOU KNOW, IT'S A BROADER
6 CATEGORY. AND THEN WHEN IT COMES MY TURN, I'M GOING
7 TO -- TIME -- I WANT TO TALK ABOUT THIS, TOO, THANK YOU.

8 CHAIRMAN GALLAGHER: HAVE YOU ALL PIGGY-BACKED
9 ON JIM ENOUGH?

10 BOARD MEMBER CALLOWAY: I WAS -- THANK YOU, MR.
11 CHAIRMAN. I'M ALMOST DONE. I JUST HAVE A COUPLE MORE.
12 ONE, SEWAGE SLUDGE. HAVE WE ADDRESSED THIS AT ALL? THIS
13 IS BECOMING A VERY, VERY DIFFICULT ITEM, VERY IMPORTANT
14 ITEM. AND HAVE WE DONE ANYTHING IN THAT, MR. SMITH?

15 MR. SMITH: YES. WE'VE ASKED THAT IT BE
16 IDENTIFIED AS A PARTICULAR SOLID WASTE IN THE WASTE
17 IDENTIFICATION ELEMENT. IN OUR SECTION ON HANDLING OF
18 SPECIAL WASTES, IT'S COVERED IN THAT.

19 BOARD MEMBER CALLOWAY: WHAT PAGE IS THAT SO I
20 CAN IDENTIFY THAT AND THEN WE CAN COME BACK TO THAT
21 LATER.

22 MR. SMITH: IT WOULD BE ON PAGE 64.

23 BOARD MEMBER CALLOWAY: 64?

24 MR. SMITH: IT WOULD BE H.

25 BOARD MEMBER CALLOWAY: OKAY. WHAT I'M GETTING



1 AT THERE IS THAT A LOT OF JURISDICTIONS ARE HAVING
2 TROUBLE THERE. THEY'RE SELLING THIS WASTE IN DIFFERENT
3 FORMS TO CITIES TO USE IN PARKS AND FOR COVERAGE IN, I
4 GUESS, LANDFILLS EVEN PROBABLY. SO THEN THE QUESTION
5 COMES UP WHO HAS THE AUTHORITY OVER THIS? IS THIS TOXICS
6 OR HAZARDOUS MATERIALS AND SO FORTH? THOSE GET INTO THE
7 QUESTIONS, AND I SUPPOSE THAT ON 64, YOU IDENTIFY THIS?

8 MR. SMITH: ALSO, THERE'S ADDITIONAL INFORMATION
9 ON PAGE 59.

10 BOARD MEMBER CALLOWAY: BUT THAT DOES COME UNDER
11 OUR JURISDICTION?

12 MR. SMITH: THE WASTES THAT ARE DISPOSED OF IN
13 NON-HAZARDOUS LANDFILLS DO, AND WE WOULD EXPECT THE PLAN
14 TO COVER THE HANDLING OF ANY SPECIAL WASTE.

15 BOARD MEMBER CALLOWAY: THAT'S IT.

16 CHAIRMAN GALLAGHER: THANK YOU MR. CALLOWAY. TO
17 TAKE CARE OF A CHANGE IN THE RECORD KEEPING EQUIPMENT, WE
18 WILL HAVE A RECESS. WE WILL RECONVENE AT 25 MINUTES OF
19 TWELVE ON THE DOT.

20 (A BREAK WAS TAKEN.)

21 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO
22 ORDER, PLEASE.

23 WE LEARNED BY OUR EXPERIENCES, AND WE HAVE
24 NOW MODIFIED OUR PREVIOUS COMMENTS ABOUT DISCUSSION.
25 WE'RE GOING TO GO THROUGH AN ARTICLE AND THEN THE STAFF

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1 WILL -- THE BOARD WILL HAVE AN OPPORTUNITY TO MAKE THEIR
2 COMMENTS, AND THE PUBLIC WILL HAVE AN OPPORTUNITY AT THE
3 END OF THE BOARD'S COMMENTS TO COME FORWARD WITH THEIR
4 SUGGESTIONS.

5 SO WE'RE GOING TO CONTINUE NOW WITH THE
6 COMMENTS BY BOARD MEMBERS ON THE FIRST ARTICLE. AND, MR.
7 MOSCONE, YOU YOU HAD YOUR LIGHT ON. ARE YOU PREPARED OR
8 WOULD YOU LIKE ME TO GO TO SOMEONE ELSE AND COME BACK TO
9 YOU?

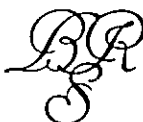
10 I'M GOING TO ASK OUR BOARD MEMBERS TO DO
11 ONE OTHER THING. WE APPARENTLY HAVE AN INCOMPLETE
12 NUMBERING SYSTEM FOR MEMBERS OF THE PUBLIC. IF YOU TALK
13 ABOUT A PAGE NUMBER, LIKE 64, WILL YOU PLEASE STATE
14 THAT'S ALSO 26 HYPHEN 10, FOR THE BENEFIT OF THOSE PEOPLE
15 IN THE AUDIENCE, SO THEY'LL KNOW WHAT PAGE WE'RE QUOTING
16 FROM?

17 BOARD MEMBER MOSCONE: I DON'T HAVE ANYTHING ON
18 ARTICLE 1, MR. CHAIRMAN.

19 CHAIRMAN GALLAGHER: WHY DON'T YOU JUST GO RIGHT
20 ON THROUGH THEN.

21 BOARD MEMBER MOSCONE: I HAD A QUESTION, AND I
22 THINK IT WAS RAISED -- PAGE 50, II 1-5 (L), "TENTATIVELY
23 RESERVED DISPOSAL AREA MEANS A FUTURE DISPOSAL AREA
24 IDENTIFIED ONLY IN THE COUNTY SOLID WASTE MANAGEMENT
25 PLAN."

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1 HOW DEFINITE SHOULD THAT BE OR HOW DETAILED
2 SHOULD THAT BE? IS THIS A PRECISE SITE OR A GENERAL AREA
3 WHERE WE'VE HAD PROBLEMS WITH BEFORE?

4 MR. SMITH: THE GOVERNMENT CODE ALLOWS AN AREA,
5 SO IT COULD BE SOMETHING VERY DEFINITE AS A DOT OR A
6 LARGER MAPPED-OUT AREA.

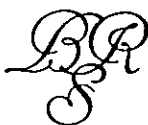
7 BOARD MEMBER MOSCONE: I WAS JUST WONDERING IF
8 WE'RE GOING TO HAVE ANY TROUBLE AS TO WHETHER IT SHOULD
9 BE MORE DEFINITE OR MORE DETAILED.

10 MR. SMITH: WHEN WE LOOK AT THAT AGAIN, WE'LL
11 TRY TO MAKE SURE WE'VE TAKEN CARE OF THAT CONCERN, IF
12 ADDITIONAL GUIDANCE IS NECESSARY.

13 BOARD MEMBER MOSCONE: PAGE 52 OF THE AGENDA.
14 PAGE 52, II 1-2 (C) UNDER 17121. UNDER 17121 -- UNDER
15 (D), 17121 (C), "DURING THE PREPARATION OF THE PLAN, THE
16 COUNTY SHALL ACTIVELY SEEK THE INPUT OF THE AGENCIES
17 RESPONSIBLE FOR PREPARATION OF PLANS IDENTIFIED IN (A)
18 AND (B)."

19 I THINK THIS HAS BEEN DONE BEFORE, BUT IT
20 SEEMS TO ME THE INFORMATION THAT WE'VE HAD SOMETIMES THAT
21 NONE OF THESE AGENCIES HAVE COME BACK WITH ANY PROS OR
22 CONS. OR IF THEY HAVE, THE BOARD DIDN'T FEEL LIKE THEY
23 WERE NECESSARY. HAVE THESE OTHER AGENCIES HAD ANY INPUT
24 INTO PLANS, REVISIONS, OR WHATEVER?

25 MR. SMITH: THEY HAVE, BUT A NUMBER OF TIMES



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1 THEY ONLY RECEIVED THE FINAL DRAFT. THE COUNTY HAD NOT
2 SENT THEM A PRELIMINARY DRAFT. AND THE WAY THE PROCESS
3 WORKED -- IS WORKING RIGHT NOW IS THAT COUNTIES DON'T
4 CONSISTENTLY SEND THEM OUT TO THOSE AGENCIES.

5 WE, AS A COURTESY, WHEN WE GET A PLAN
6 DOCUMENT WE'LL SEND IT OUT TO THE OTHER AGENCIES. AND
7 WHAT HAS HAPPENED IS A NUMBER OF THESE STATE AND LOCAL
8 AGENCIES DIDN'T HAVE AN OPPORTUNITY TO COMMENT ON THE
9 DRAFT. THAT'S THE TIME WHEN THEY NEED TO COMMENT ON THE
10 DRAFT. SO WHAT WE'RE PROPOSING TO DO IN ARTICLE 7 WE
11 SPECIFICALLY STATE THAT THE COUNTY MUST SEND OUT TO THESE
12 AGENCIES SO THAT THEY CAN COMMENT ON IT.

13 BOARD MEMBER MOSCONE: PAGE 53, ARTICLE 5, DOWN
14 TO (C), REGULATORY CHANGE. YOU RECOMMEND THAT THIS
15 SECTION 17127 BE DELETED FROM THIS CHAPTER SINCE IT
16 DUPLICATES THE GOVERNMENT CODE. WELL, IT MIGHT DUPLICATE
17 THE GOVERNMENT CODE, BUT I THINK THAT -- AND I WAS --
18 DURING THE RECESS, I WAS TALKING WITH MR. MARINO. AND,
19 YOU KNOW, WE'VE HAD PEOPLE LOOKING OVER WHEN WE WERE
20 ADOPTING GUIDELINES AND EVERYTHING ELSE. AND I THINK WE
21 INTENTIONALLY SOMETIME WENT INTO DETAIL SO THAT WHOEVER
22 WAS CONCERNED WOULD KNOW OR TRY TO UNDERSTAND EXACTLY
23 WHAT WE WERE TALKING ABOUT.

24 SO I SEE THAT IN SOME OF THIS. WELL, YOU
25 ARE REFERRING TO CERTAIN SECTIONS. WELL. FINE. WELL.

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1 I'VE GOTTEN SO I KNOW HOW TO READ THESE THINGS NOW. BUT
2 SOME PEOPLE, IF YOU DON'T SPELL IT OUT, THEY DON'T KNOW
3 WHAT YOU ARE TALKING ABOUT. AND THIS IS, AT LEAST, THE
4 EXPERIENCE THAT I HAVE HAD SINCE 1973.

5 MS. CLOSE: MR. MOSCONE, THAT'S A VERY REAL
6 PROBLEM, AND IT'S ONE THAT WE'RE KIND OF IN A QUANDARY
7 ABOUT HOW TO HANDLE. IT IS TRUE THAT PEOPLE WHO ACTUALLY
8 USE THESE REGULATIONS WOULD VERY MUCH LIKE TO HAVE ONE
9 DOCUMENT THAT THEY CAN LOOK AT WHERE THEY CAN FIND
10 EVERYTHING THEY NEED TO KNOW. HOWEVER, THE WAY THE
11 ADMINISTRATIVE PROCEDURES ACT IS WRITTEN, WE ARE NOT
12 ALLOWED TO DUPLICATE WHAT IS IN STATUTE. MAYBE WHAT WE
13 MIGHT CONSIDER AND WHAT OAL WOULD LIKE US TO DO IS TO PUT
14 TOGETHER HANDBOOKS THAT HAVE BOTH GOVERNMENT CODE AND
15 REGULATIONS AFTER THEY HAVE BEEN ADOPTED, BUT WE REALLY
16 IN MOST INSTANCES CANNOT REPEAT STATUTE IN REGULATIONS.

17 BOARD MEMBER MOSCONE: WELL, I FIND MYSELF WHEN
18 I'M READING SOME STUFF AND IT REFERS TO CERTAIN SECTIONS
19 AND EVERYTHING, I DON'T BOTHER TO GO AND LOOK AT THOSE
20 SECTIONS BECAUSE KNOWS WHAT THEY'RE DOING.

21 MS. CLOSE: MOST PEOPLE DON'T.

22 CHAIRMAN GALLAGHER: MAY I ASK A QUESTION? AT
23 THAT POINT, IS IT POSSIBLE THAT YOU COULD MAKE A
24 CROSS-REFERENCE WHERE YOU ARE DELETING ONE, SEE
25 GOVERNMENT CODE SECTION SO-AND-SO?

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1 MS. CLOSE: LET'S LOOK INTO THAT. I BET THERE'S
2 SOME WAY WE CAN HANDLE IT.

3 BOARD MEMBER MOSCONE: IN ARTICLE 6, PAGE 55,
4 THE SECOND TO LAST PARAGRAPH, (C), "THE PLAN SHALL
5 IDENTIFY ISSUES OF REGIONAL CONCERN."

6 DO WE HAVE THIS SPELLED OUT SOMEWHERE?
7 BECAUSE I KNOW THAT YEARS AGO IT WAS A PROBLEM AS TO WHAT
8 ARE REGIONAL CONCERNS? WHAT REGIONAL CONCERNS? SOME
9 SECTION OF THE STATE MIGHT HAVE CERTAIN REGIONAL
10 CONCERNS, AND THE OTHER SECTIONS OF THE STATE MAY HAVE
11 DIFFERENT REGIONAL CONCERNS OR WHATEVER.

12 DO WE HAVE THESE SPELLED OUT ANYWHERE?

13 MR. SMITH: THERE ISN'T, PER SE, A LIST OF WHAT
14 ARE REGIONAL ISSUES. THE ONLY THING LEFT IN THE WORKING
15 DEFINITION IS THE DEFINITION OF A REGION. STAFF IS KIND
16 OF MIXED ON THAT IN TERMS OF -- SINCE THERE IS SO MUCH
17 VARIETY BETWEEN COUNTIES WHETHER -- WE CAN LOOK INTO
18 THAT, SPELLING OUT --

19 BOARD MEMBER MOSCONE: WELL, ON PAGE 56, THE
20 NEXT PAGE, 17135 (C), "IDENTIFY THE ISSUES OF REGIONAL
21 CONCERN THAT SHALL INDICATE THE NEED FOR STUDYING THESE
22 ISSUES AT THE REGIONAL AGENCY LEVEL."

23 WELL, THAT PROBABLY MEANS THE SAME THING,
24 BUT SOME CITIES IN CERTAIN REGIONS MAY SAY, "WELL, THE
25 REGIONAL AGENCY SAYS THIS IS A REGIONAL ISSUE, BUT WE

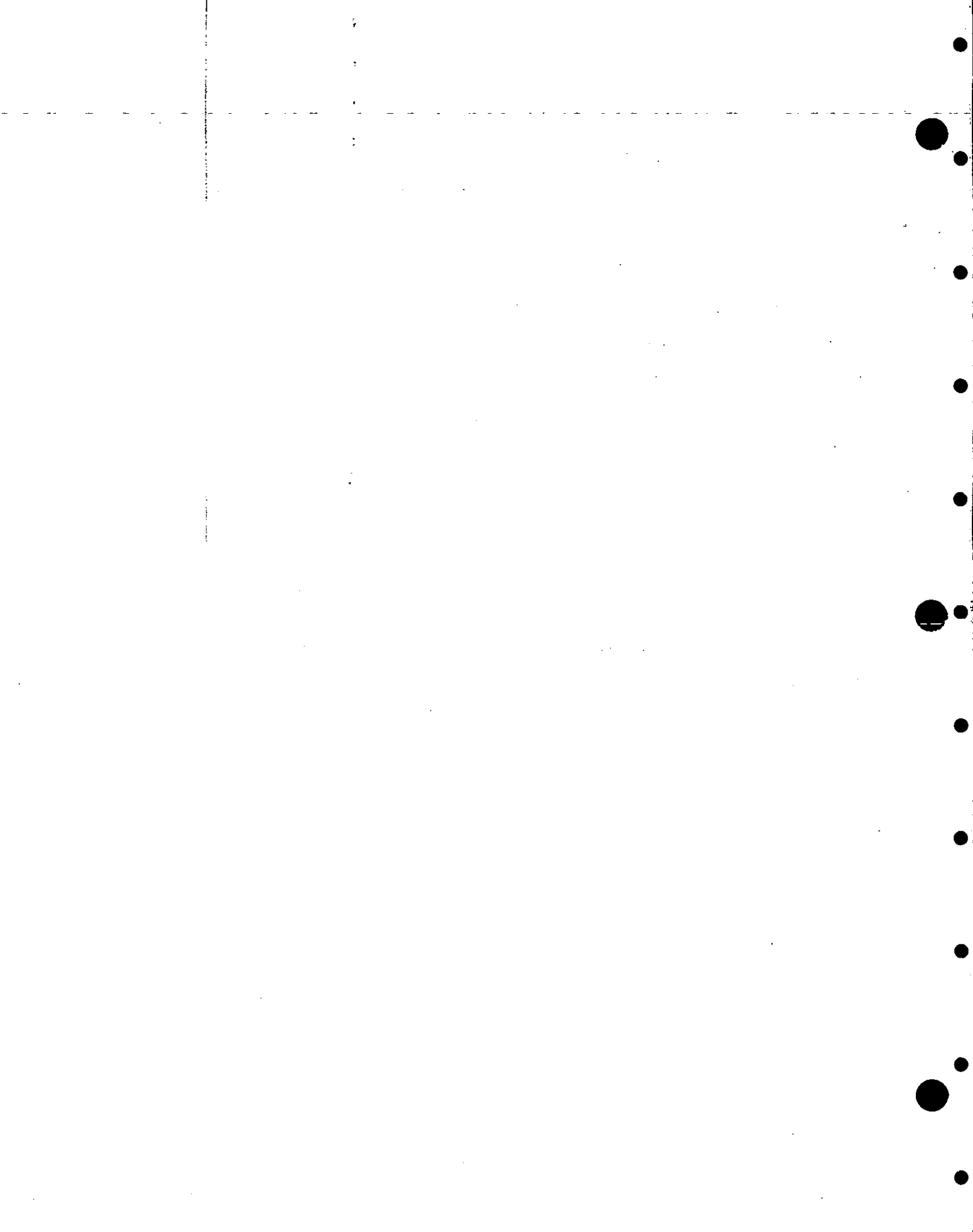
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1 DON'T THINK SO." SO ARE WE LEAVING IT TO THE --

2 MR. SMITH: I THINK THAT WE NEED TO GO BACK AND
3 BETTER DEFINE THAT.

4 BOARD MEMBER MOSCONE: PAGE -- AGENDA PAGE 58,
5 THE VERY BOTTOM PARAGRAPH, PROPOSED REGULATORY LANGUAGE,
6 "RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, AGRICULTURAL."
7 CROP RESIDUES AND ANIMAL WASTES YOU'VE DELETED. I WOULD
8 SUGGEST THAT YOU LEAVE IT IN BECAUSE WE HAVE HAD PROBLEMS
9 IN THE PAST ABOUT THESE SAME CROP RESIDUES AND ESPECIALLY
10 ANIMAL WASTES.

11 MR. SMITH: OKAY.

12 BOARD MEMBER MOSCONE: I DON'T KNOW HOW ANYBODY
13 ELSE FEELS ABOUT IT, BUT THAT'S -- I KNOW THAT WE HAVE
14 HAD SOME PROBLEMS IN THE PAST.

15 PAGE 61, I HAD SOME CONCERNS ABOUT THESE
16 PROPOSED REGULATORY LANGUAGE, AND I DON'T KNOW WHETHER
17 THERE COULD BE A PROBLEM. FOR EXAMPLE, NO. 3 ON PAGE 61
18 THERE. "INCLUDED IN THE DESCRIPTION OF THE COLLECTION
19 SYSTEM SHALL BE."

20 LOOKS LIKE -- I DON'T KNOW WHETHER -- IT'S
21 GOING TO REQUIRE JUST THAT THEY STATE THAT WE HAVE A
22 MIXED SYSTEM OF AUTOMATED OR MANUAL, OR DO YOU WANT THEM
23 TO SPECIFICALLY STATE THAT IN THE SOUTHERN PART OF OUR
24 COUNTY IT'S MANUAL, IN NORTHERN PART OF OUR COUNTY IT'S
25 AUTOMATED? OR DO YOU WANT ALL OF THIS DETAILED?

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1 MR. SMITH: FOR THE COLLECTION AREA, WE WOULD
2 WANT THEM TO GENERALLY INDICATE WHETHER IT WAS MANUAL OR
3 AUTOMATED.

4 BOARD MEMBER MOSCONE: BECAUSE, YOU KNOW, RIGHT
5 NOW THE COLLECTION COMPANIES ARE HAVING PROBLEMS AS FAR
6 AS AUTOMATED AND MANUAL AS FAR AS THEIR INSURANCE AND
7 ALL, AND IT DOES MAKE A DIFFERENCE AS TO AUTOMATED OR
8 MANUAL.

9 AND, ALSO, ON NO. 6, "IDENTIFICATION OF
10 OVERLAPPING COLLECTION SERVICE AREAS, IF ANY."

11 WELL, DO YOU WANT THAT DETAILED OR HOW
12 DETAILED WOULD YOU WANT IT?

13 MR. SMITH: MR. MOSCONE, IF I MAY ADD, IF IT WAS
14 A PROBLEM IN THE COUNTY -- I MEAN THERE'S SOME COUNTIES
15 THAT DON'T HAVE THAT PROBLEM; BUT IF IT WAS A PROBLEM IN
16 THE COUNTY, THEY SHOULD ADDRESS THAT PROBLEM IN THE PLAN
17 AND A PROGRAM TO TAKE CARE OF IT.

18 BOARD MEMBER MOSCONE: NOW WOULD THIS INCLUDE
19 JUST INCORPORATED AREAS OR ALL OF THE AREAS IN THE
20 COUNTY?

21 MR. SMITH: THE PLAN WOULD COVER BOTH PROGRAMS
22 FOR THE INCORPORATED AND UNINCORPORATED AREAS.

23 BOARD MEMBER MOSCONE: I'M KIND OF CONCERNED AS
24 IT COMES UNDER THE PROCESSING DISPOSAL OF WASTE ON PAGE
25 64 (C), "A DISCUSSION OF RESOURCE RECOVERY ALTERNATIVES

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1 TO DETERME THE NEED OF EACH PROPOSED FACILITY."

2 THAT'S A GENERAL DISCUSSION. I KNOW
3 THAT -- WHAT HAS HAPPENED IN THE PAST, I THINK, WHEN WE
4 WERE REVIEWING, ESPECIALLY, THE FIRST COUNTY PLANS, IT
5 WAS JUST A REVIEW THAT SOMEBODY COPIED OUT OF MAGAZINES
6 OR WHATEVER AND JUST OUTLINING ALL OF WHAT WAS AVAILABLE.
7 NOT THAT THEY HAD ANY GENUINE INTEREST IN ANY OF THESE
8 TYPES OF THINGS, BUT THEY HAD TO DO IT BECAUSE THAT'S
9 WHAT IT SAID YOU HAD TO DO IN YOUR COUNTY PLAN.

10 AND THIS -- I DON'T KNOW. I SUPPOSE THAT
11 WE HAVE TO GET DOWN TO COST-EFFECTIVENESS, BUT I THINK
12 THAT SOMEDAY WE'RE GOING TO HAVE TO FORGET ABOUT
13 COST-EFFECTIVENESS AND JUST THINK ABOUT GETTING RID OF
14 THE GARBAGE NO MATTER HOW MUCH IT COSTS US. WE'RE GOING
15 TO HAVE TO BITE THE BULLET SOMEDAY AND REALIZE THAT WE DO
16 HAVE A PROBLEM AND THAT WE'RE GOING TO HAVE TO GET RID OF
17 IT NO MATTER WHAT IT COSTS US.

18 MR. SMITH: MR. MOSCONE, IF I MAY ADD, THE
19 SECTION IN THE EXISTING PLAN WHERE THEY WERE ASKED TO
20 DESCRIBE WHAT THE WORLD OF RESOURCE RECOVERY OPTIONS, WE
21 HAVE TAKEN OUT AND REPLACED IT WITH THIS. I DON'T THINK
22 THAT THEY'LL -- I REMEMBER REVIEWING SOME OF THOSE
23 ORIGINAL PLANS WHERE THERE WAS SAME THING IN EVERY PLAN.
24 AND I THINK THAT THIS REVISION WILL TAKE CARE OF THAT.

25 BOARD MEMBER MOSCONE: WELL, I HAD SOME CONCERN



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1 ON PAGE 66, TEXT OF CURRENT REGULATIONS. THIS IS A
2 CURRENT REGULATION.

3 PAGE 67 (C) AT THE TOP OF THE PAGE,
4 "INVENTORY OF CURRENT AND PLANNED RESOURCE RECOVERY
5 ACTIVITIES IN THE COUNTY AND THE TYPES AND AMOUNTS OF
6 MATERIALS BEING RECOVERED OR PROPOSED FOR RECOVERY."

7 I THINK THAT MR. VARNER AND I SPOKE ABOUT
8 THAT BEFORE AND SO I'LL GO ON AGAIN.

9 WHAT BOTHERS ME ON THE VERY LAST -- NO. 1
10 ON THE SAME PAGE 67. "IF THIS ANALYSIS APPEARS TO SHOW
11 RESOURCE RECOVERY IS PRECLUDED, THE PLAN SHALL SUGGEST
12 WAYS OF ELIMINATION OR REDUCING THESE BARRIERS."

13 PROBABLY THAT'S WHAT IT IS MORE THAN
14 ANYTHING ARE BARRIERS. BECAUSE AS LAID OUT IN (D), AND I
15 WAS JUST WONDERING PROBABLY POLITICAL IS THE STRONGEST
16 WORD.

17 AND ON THE NEXT PAGE, ON THE TOP OF THE
18 PAGE, "THE PLAN SHALL PROVIDE FOR ANNUAL REVIEW OF THE
19 BARRIERS TO RESOURCE RECOVERY."

20 IS THERE SOMETHING DEFINITE, CONCRETE
21 THAT -- HAVE YOU PUT THIS IN, THAT IT BE AN ANNUAL
22 REVIEW?

23 MR. SMITH: JUST TO MAKE SURE THAT THE COUNTY
24 SERIOUSLY IS CONSIDERING THE APPROPRIATE OPTIONS. IF I
25 MAY ADD TO WHAT YOU WERE DISCUSSING PREVIOUSLY, THE WAY

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1 THE EXISTING GUIDELINES ARE WRITTEN, IF RESOURCE RECOVERY
2 IS NOT FEASIBLE, THEN YOU DON'T HAVE TO GO ANY FURTHER.
3 WHAT WE'RE ATTEMPTING TO DO HERE IS TO MAKE THE COUNTY BE
4 A LITTLE MORE FORWARD LOOKING IN LOOKING AT, NOT JUST
5 ECONOMICS, BUT THE OTHER MORE REAL BARRIERS. AND THAT'S
6 WHY WE'VE INCLUDED THAT IN THERE, AND THAT'S WHY WE'VE
7 INCLUDED A REVIEW FEATURE SO THAT THEY'LL BE CONSIDERING
8 THE MOST APPROPRIATE SYSTEM.

9 BOARD MEMBER MOSCONE: I'M JUST AFRAID THAT IT
10 JUST BE NOTHING MORE THAN WHAT THEY'VE READ OR THERE'S
11 REALLY NO SERIOUS INTENT OF CHANGING ANYTHING, AND
12 THEY'RE LOOKING TO SEE WHERE THEIR VOTES ARE AS TO WHERE
13 THEY GO WITH SOME OF THE THINGS THAT THEY SHOULD BE
14 DOING.

15 IT IS KIND OF LENGTHY, I THOUGHT, AND TO
16 SOME EXTENT MAY BE REPETITIVE, THIS SECTION HERE.

17 I HATE TO BE TAKING UP THE TIME.

18 CHAIRMAN GALLAGHER: THAT'S WHAT WE'RE HERE FOR,
19 JOHN.

20 BOARD MEMBER MOSCONE: WELL, I THINK THAT
21 CONCLUDES MY INPUT IF IT IS.

22 MR. SMITH: THANK YOU, MR. MOSCONE.

23 CHAIRMAN GALLAGHER: THANK YOU. WE HAVE NOW
24 FIVE MINUTES TO TWELVE. I DON'T KNOW, MR. VARNER, IF YOU
25 WANT TO GET STARTED.

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1 BOARD MEMBER VARNER: IT ISN'T GOING TO TAKE ME
2 VERY LONG. I JUST WOULD REITERATE THE THING, AS JOHN
3 TALKED ABOUT ON PAGE 67, AND MAKE THE SUGGESTION THAT WE
4 KEEP TRACK OF THE MATERIALS THAT ARE REMOVED FROM THE
5 WASTE STREAM. THAT'S AN ACCURATE THING. BUT IF YOU
6 PLACE ALL THIS ESTIMATION AND TONNAGE, YOU'RE JUST GOING
7 TO HAVE SOMEBODY FABRICATE A BUNCH OF THINGS THAT MAY OR
8 MAY NOT, WHATEVER POSITION THEY WANT TO TAKE. SO I THINK
9 THAT'S AN UNWORKABLE THING.

10 ALSO, ON THE AUTOMATED AND MANUAL, EVERY
11 SYSTEM -- THAT'S ON PAGE 61. EVERY SYSTEM, NOW MODERN
12 SYSTEM, I THINK, HAS BOTH. IN FACT, NOW YOU FIND -- YOU
13 WON'T FIND MAYBE ANY SYSTEMS THAT ARE GOING TO BE FULLY
14 AUTOMATED. WE USE A SEMI-AUTOMATED FOR HOUSEHOLD
15 COLLECTIONS, AND THAT GIVES YOU THE CAPABILITY OF DOING
16 MANUAL THINGS RIGHT IN CONJUNCTION WITH YOUR AUTOMATED,
17 AND THAT'S THE MOST WORKABLE SITUATION SO THAT HAVING
18 EITHER/OR IS KIND OF A MISNOMER.

19 ALL THE BIN-TYPE COLLECTION, NATURALLY, IS
20 FULLY AUTOMATED. FRONT-LOADERS, ROLL-OFFS, SO FORTH,
21 THOSE ARE FULLY AUTOMATED. AND AS MR. MOSCONE POINTED
22 OUT, THERE'S QUITE A MOVEMENT. INSURANCE INDUSTRY HAS
23 INDICATED THAT IF YOU CAN HAVE A FULLY AUTOMATED SYSTEM,
24 IT WILL REDUCE COMPENSATION INSURANCE, BUT THEY TELL YOU
25 AT THE SAME TIME IT WILL THEN INCREASE ANY MANUAL SYSTEMS

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1 YOU DO BY THE SAME RATIO, SO THERE IS NO SAVINGS. AS A
2 MATTER OF FACT, IT MAY BE TERRIBLY DEVASTATING. BUT WHEN
3 YOU HAVE EITHER/OR THERE, I THINK THAT THAT'S A MISNOMER.

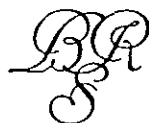
4 MR. SMITH: I THINK THAT WE COULD PUT IN A
5 DESCRIPTION OF THE COLLECTION METHODS.

6 BOARD MEMBER VARNER: SEMI-AUTOMATED WHICH WOULD
7 INCLUDE THE CAPABILITY FOR MANUAL BECAUSE YOU CAN'T
8 ELIMINATE SOME HAND HANDLING OF MATERIALS PARTICULARLY ON
9 THE HOUSEHOLD LEVEL. ON COMMERCIAL, THAT'S FULLY
10 AUTOMATED SERVICE.

11 OKAY. THEN THE ONLY OTHER THING I WANTED
12 TO TALK ABOUT, AND I HAPPENED TO BE OUT OF THE ROOM
13 ANSWERING THE PHONE WHEN WE WERE TALKING ABOUT THE
14 HOUSEHOLD HAZARDOUS WASTES EARLIER, AND I DON'T KNOW WHAT
15 PAGE THAT YOU WERE ON.

16 I JUST WANTED TO KIND OF TALK ABOUT FURTHER
17 WHAT I WAS TALKING ABOUT THERE ON THIS PUBLIC INFORMATION
18 THING. AND I THINK THAT ONE OF THE FIRST THINGS THAT WE
19 NEED TO DO THAT'S MOST PRODUCTIVE IS GET OUT PUBLIC
20 INFORMATION TO THE HOUSEHOLDERS SO THAT THEY CAN TAKE
21 CARE OF A LOT OF ITEMS IN A NORMAL MANNER, SO YOU CAN
22 ELIMINATE WHAT HAS TO BE PUT IN THE WASTE STREAM, PERIOD.
23 PEOPLE HAVE TO KNOW WHAT IT IS THEY'RE DOING, AND THEN
24 CATEGORIZE THOSE THINGS WHICH ARE REALLY DANGEROUS
25 BECAUSE SOME OF THEM ARE AND IF YOU MIX THEM, SOMEBODY IS

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1 GOING TO GET HURT.

2 BUT WHAT I'M GOING TO SUGGEST IS A METHOD,
3 AND I'VE TALKED TO MY LOCAL SUPERINTENDENT OF SCHOOLS IN
4 KERN COUNTY, AND I THINK THAT HE WOULD BE AMENABLE TO IT,
5 AND I THINK MAYBE THE OTHER SCHOOL SYSTEMS WOULD TOO,
6 THAT IF WE GET SOME KIND OF AN UNDERSTANDABLE BROCHURE
7 OUT, GET THE SCHOOLS TO COOPERATE. FUNDING HERE IS
8 ALWAYS THE BIG BUGABOO IN THIS WHOLE THING. BUT THIS, I
9 THINK, WOULD BE THE CHEAPEST METHOD OF DOING IT. GET A
10 GOOD BROCHURE OUT, PUT IT OUT THROUGH YOUR SCHOOL SYSTEM.
11 THAT WAY THE CHILDREN WILL TAKE THE THINGS HOME, AND YOU
12 ARE MORE LIKELY TO GET THE HOUSEHOLDERS, THE MOTHERS AND
13 THE FATHERS, TO LOOK AT SOMETHING THAT THEIR KIDS BRING
14 HOME AND THEY'RE TALKING ABOUT THIS THING AND YOU'LL
15 REALLY GET OUT SOME INFORMATION THAT WILL BE VERY
16 BENEFICIAL IN THE SHORT RUN.

17 I WOULD SUGGEST THAT WE LOOK INTO THAT, AND
18 I'D BE VERY GLAD TO ASSIST IN MY OWN COUNTY OF PERSUING
19 THAT. I THINK THAT'S THE MOST PRODUCTIVE METHOD AND
20 PROBABLY THE LEAST EXPENSIVE TO GET OUT SOME REALLY
21 WORKABLE INFORMATION BECAUSE YOU'VE GOT TO GET OUT SOME
22 SIMPLE THINGS FIRST, AND THEN THESE REALLY DANGEROUS
23 MATERIALS ARE GOING TO HAVE TO BE HANDLED SPECIALLY AND
24 THEY'RE VERY COSTLY. THERE, AGAIN, A LOT OF PROBLEM THAT
25 A LOT AREAS HAVEN'T GOTTEN INTO IT BECAUSE THEY HAVEN'T

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1 FOUND A WAY TO FUND IT. THAT'S ALL I HAVE TO SAY.

2 MR. IWAHRO: MR. CHAIRMAN, I JUST WANTED TO
3 STATE THAT WE WOULD BE VERY HAPPY TO WORK WITH MR. VARNER
4 IN TERMS OF THE BROCHURE THROUGH SCHOOLS. WE ARE WORKING
5 ON SOME BROCHURES WITH THAT PARTICULAR THOUGHT ABOUT
6 GOING THROUGH BROCHURES. I'LL BRING UP TO MR. STRICKLER
7 IN TERMS OF DOING THAT, SO WE CAN CERTAINLY FOLLOW
8 THROUGH. THAT'S IN OUR PLANS, PERHAPS NOT THROUGH THE
9 SCHOOLS, BUT DEVELOPING BROCHURES IS IN OUR PLANS.

10 BOARD MEMBER VARNER: AT LEAST THIS AN AVENUE,
11 AND I KNOW THERE REALLY INTEREST IN THAT AREA, AND I
12 THINK YOU WILL FIND THE SCHOOL SYSTEMS WILL BE VERY
13 RECEPTIVE TO IT.

14 CHAIRMAN GALLAGHER: THANK YOU, MR. VARNER. AND
15 TO CONSERVE EVERYONE'S TIME, TO AVOID FIGHTING THE MOBS,
16 WE'RE GOING TO CONTINUE THIS UNTIL 12:30 AND THEN TAKE
17 LUNCH FROM 12:30 TO 1:30.

18 MS. BREMBERG.

19 BOARD MEMBER BREMBERG: THANK YOU, MR. CHAIRMAN.
20 ON PAGE 53 OF OUR PACKET, II 5-1 ON THE OTHER, I DURING
21 THE BREAK WAS TALKING WITH SOME OF THE STAFF ABOUT
22 ARTICLE 5, TEXT OF CURRENT REGULATIONS, WHICH IS
23 RECOMMENDED THAT IT BE DELETED SINCE IT DUPLICATES
24 GOVERNMENT CODE. THAT -- I DON'T CARE ABOUT THAT. I
25 ACCEPTED YOUR EXPLANATION. MY POINT IS WHAT IT SAYS, AND

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1 WHAT IS SAYS IS "THE COUNTY BOARD OF SUPERVISORS, AS
2 PRIMARY AGENCY, IS RESPONSIBLE FOR PREPARING, ADOPTING,
3 MAINTAINING, AND IMPLEMENTING."

4 NOW, THE TWO AND A HALF OR THREE YEARS I'VE
5 BEEN ON THIS BOARD, IT SEEMS TO ME I HAVE VERY RARELY
6 ENCOUNTERED A COSWMP THAT WAS PREPARED OR MAINTAINED OR
7 IMPLEMENTED BY A COUNTY. THEY HAVE ABROGATED THEIR
8 RESPONSIBILITIES, BY IN LARGE, TO ANOTHER AGENCY, TO A
9 CONSULTANT, TO A VOLUNTEER SOLID WASTE MANAGEMENT
10 AUTHORITY, OR WHETHER IT BE VOLUNTARY OR CREATED ON A
11 JOINT POWERS AGREEMENT OR WHATEVER. WE SAW THAT IN
12 CONTRA COSTA COUNTY MADE UP OF MAYORS, COUNCILMEMBERS,
13 PUBLIC WORKS DIRECTORS, AND SO FORTH.

14 AS I READ IT, IT SAYS "RESPONSIBLE FOR
15 PREPARING." DOES THAT NEED TO BE CHANGED? THEY
16 OBVIOUSLY ARE NOT, IN ALL CASES, PREPARING. AND IT
17 CERTAINLY IS CLEAR THAT I DOUBT IF THERE'S A SINGLE
18 COUNTY IN THE STATE THAT IS MAINTAINING AND IMPLEMENTING.
19 I DON'T MEAN THAT THEY'RE DOING THINGS WRONG. WELL, I
20 GUESS I DO BECAUSE I DON'T THINK THEY'RE FOLLOWING THAT
21 REGULATION AS IT IS WRITTEN. SHOULD IT NOT WHEREVER IT
22 IS IN THE GOVERNMENT CODE BE REVISED TO GIVE THEM THE
23 LEGALITY OF WHAT THEY'RE ACTUALLY DOING?

24 ATTORNEY CONHEIM: MR. CHAIRMAN, MRS. BREMBERG,
25 THE STATUTORY MANDATE IS UPON THE COUNTY, AND THE LOCAL

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1 GOVERNING BODY OF THE COUNTY IS THE BOARD OF SUPERVISORS.
2 IT'S UNNECESSARY TO DETAIL, EITHER IN OUR STATUTE OR IN
3 ANY REGULATION, THE MANNER AND THE EXTENT TO WHICH A
4 COUNTY BOARD OF SUPERVISORS MAY DELEGATE ITS AUTHORITY
5 ADMINISTRATIVELY TO DEPARTMENTS BECAUSE THAT'S HANDLED BY
6 THE LAW AND THE CONSTITUTION OF THE STATE OF CALIFORNIA.
7 SO IT DOESN'T APPEAR TO BE NECESSARY TO DEAL WITH THAT
8 SUBJECT AND -- NOR SHOULD THIS BOARD TELL THE COUNTY HOW
9 IT HAS TO ADMINISTER ITS FUNCTIONS.

10 BOARD MEMBER BREMBERG: IT'S ALREADY IN THE LAW.
11 YOU KNOW, I DON'T KNOW. I -- I'M JUST SAYING THAT IF
12 THEY'RE NOT DOING IT, IT SHOULD BE WRITTEN TO ACKNOWLEDGE
13 WHAT IS PERFECTLY LEGAL AND ACCEPTABLE. BUT HAVING
14 ENCOUNTERED PEOPLE WHO READ TEXTS AND CODES LITERALLY,
15 AND IN THIS DAY AND AGE WHERE PEOPLE TEND TO GET A LITTLE
16 UP TIGHT AND LOVE TO GO TO COURT, I DON'T KNOW, IT MAY BE
17 PERFECTLY ALL RIGHT. BUT IF YOU WANT TO READ IT
18 LITERALLY OR GO FIND IT IN ANOTHER CODE, AND THE VERY
19 FACT THAT WE'RE DELETING IT -- I DON'T CARE WHAT 66780
20 AND 66780.5 SAY. THEY OBVIOUSLY SAY THE SAME THING.

21 AND IF IT'S CLEARLY UNDERSTOOD AND HAS CASE
22 LAW THAT INDICATES THAT IT'S PERFECTLY ACCEPTABLE FOR THE
23 BOARD OF SUPERVISORS, WHAT GETS ME IS THE PREPARING.
24 THAT'S WHAT BOTHERS ME THE MOST. BECAUSE PREPARING
25 INDICATES THAT THEY SHOULD BE VERY, VERY MUCH INVOLVED IN

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1 THE PREPARATION. AND I DON'T KNOW A SINGLE COUNTY WHERE
2 THEY ARE OR EVEN HAVE A NODDING ACQUAINTANCE WITH IT
3 UNTIL IT'S BEEN THROUGH FIVE OR TEN PUBLIC HEARINGS AND
4 DRAFT AND SO FORTH. THEY GET THE FINAL; THEY DON'T
5 HAVE -- THEY'VE NEVER EVEN SEE IT UNTIL IT'S ALL PREPARED
6 IN ITS FINAL FORM AND THEN THEY VOTE ON IT.

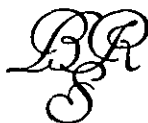
7 ATTORNEY CONHEIM: MRS. BREMBERG, I THINK YOU
8 ARE RAISING SIGNIFICANT ISSUES THAT ACTUALLY RAISE OTHER
9 QUESTIONS ABOUT THE WAY THIS BOARD SHOULD ENFORCE THE
10 ATTENTION THAT COUNTIES GIVE TO SOLID WASTE MANAGEMENT
11 PLANS, DELEGATION NOTWITHSTANDING. YOU'VE RAISED A
12 COUPLE OF ISSUES.

13 NO. 1, IN TERMS OF PREPARATION, I THINK THE
14 ISSUE THAT I HEAR YOU RAISING IS THAT PERHAPS WE OUGHT TO
15 TAKE A LOOK AT A STATUTORY MANDATE THAT REQUIRES MORE
16 PUBLIC HEARING, MORE POINTS OF DECISION OR POINTS OF
17 HEARING WHERE THE COUNTY -- WHERE THERE IS NO DELEGATION
18 UNDER GENERAL LAW ABOUT DELEGATION. ALSO, I THINK YOU
19 RAISE ISSUES OF ENFORCING THE IMPLEMENTATION OF A COUNTY
20 SOLID WASTE MANAGEMENT PLAN. OUR MAIN EFFORT OVER THE
21 PAST THREE YEARS HAS BEEN TO ENFORCE ANY PREPARATION AT
22 ALL.

23 BOARD MEMBER BREMBERG: I UNDERSTAND.

24 ATTORNEY CONHEIM: SO YOU ARE RAISING THE RIGHT
25 ISSUES; HOWEVER, I WOULDN'T WANT TO CONFUSE THE ATTENTION

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1 WE OUGHT TO PAY TO YOUR ISSUES WITH SOME WORRY ABOUT HOW
2 A CITY OR A COUNTY ACTUALLY CONDUCTS OR ADMINISTERS ITS
3 FUNCTIONS BECAUSE CERTAINLY THE CITY OF GLENDALE HAS
4 DEPARTMENTS, ADMINISTRATIVE DEPARTMENTS, WHICH DO
5 DIFFERENT THINGS. THAT'S NOT THE ISSUE YOU ARE RAISING.
6 YOU ARE RAISING IS THE SUBSTANTIVE ISSUE OF, "WE DON'T
7 GIVE A DARN ABOUT THIS PLAN. WE HOPE IT WILL GO AWAY."

8 BOARD MEMBER BREMBERG: FOR INSTANCE, IN THE
9 PLAN THAT WE DID WITH BURBANK, PASADENA, AND GLENDALE, WE
10 HAD -- AT CERTAIN LEVELS WE HAD HEARINGS, AT ANOTHER
11 LEVEL WE HAD A HEARING, AND AT THE FINAL LEVEL TO ACCEPT
12 IT.

13 I REALIZE THAT ALL OF US, AS JIM SO
14 CAREFULLY POINTS OUT AND IS SO ACCURATE, WE'RE BASICALLY
15 VOLUNTEERS. BUT IF YOU CAN HAVE A FIVE HOUR DISCUSSION
16 ON WHETHER GREEN OR BLUE TREES ARE BETTER, IT WOULD SEEM
17 TO ME THAT ON SOMETHING AS IMPORTANT AS A WASTE
18 MANAGEMENT PLAN, THAT THEY REALLY SHOULD GIVE PERMISSION
19 TO GO TO THE NEXT LEVEL. GIVE PERMISSION OR BLESSING OR
20 WHATEVER TO GO --

21 WE SAW THAT WHEN WE HAD A HEARING IN
22 GLENDALE ON THE LOS ANGELES COUNTY PLAN, DID WE NOT,
23 WHERE ALL OF A SUDDEN THE PLAN IS PREPARED, THE PLAN HAS
24 BEEN DISTRIBUTED, THE PLAN IS ON THE AGENDA, AND SUDDENLY
25 A WHOLE BUNCH OF POLITICIANS REAR THEIR UGLY HEADS OR

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1 BEAUTIFUL HEADS, AS THE CASE MAY BE, AND STARTED HACKING
2 AT IT. WHEREAS, THEY HAD HAD A YEAR TO RAISE PRECISELY
3 THOSE SAME ISSUES, WHICH COULD HAVE BEEN RESOLVED AS WE
4 WENT ALONG IN CERTAIN LEVELS.

5 BOARD MEMBER VARNER: MR. CHAIRMAN, YOU KNOW, I
6 UNDERSTAND WHAT YOU ARE SAYING, GINGER, BUT THIS BOARD
7 CANNOT GET INVOLVED IN LOCAL POLITICS. AND THAT'S WHAT
8 YOU'RE REALLY TALKING ABOUT.

9 BOARD MEMBER BREMBERG: WE ARE.

10 BOARD MEMBER VARNER: YOU CAN'T CONTROL THEM,
11 THOUGH. THE COUNTY IS RESPONSIBLE FOR THIS. THE
12 COUNTY -- THE CHAIRMAN OF THE COUNTY BOARD OF
13 SUPERVISORS, IF THERE'S A DELINQUENT, THEN HE'S THE GUY
14 THAT'S GOING TO GET THE NOTIFICATION, AND IT'S UP TO HIM
15 TO DO WHATEVER HE WANTS TO. HOW THEY DO IT IN THE
16 INDIVIDUAL AREAS, I DON'T THINK WE HAVE ANY CONTROL OVER
17 THAT.

18 BOARD MEMBER BREMBERG: QUITE OBVIOUSLY BY THE
19 WAY THE LAW IS WRITTEN.

20 CHAIRMAN GALLAGHER: MS. BREMBERG, IT WOULD
21 APPEAR TO ME THAT WHAT YOU ARE SUGGESTING IS THAT COUNTY
22 SUPERVISORS HAVE TO HAVE A HANDS-ON KIND OF AN ACTIVITY
23 IN THE PREPARATION OF THE PLAN. THAT MAY BE DESIRABLE,
24 AND THAT MAY BE VERY POSSIBLE IN SOME SMALL RURAL COUNTY,
25 BUT I DOUBT VERY MUCH IF THE COUNTY OF LOS ANGELES, EACH

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1 OF THOSE SUPERVISORS, COULD SIT DOWN AND GRAPPLE WITH THE
2 ENORMITY OF A COUNTY SOLID WASTE MANAGEMENT PLAN FOR LOS
3 ANGELES COUNTY.

4 THEY HAVE A RESPONSIBILITY, BUT THAT
5 RESPONSIBILITY IS CARRIED OUT BY DELEGATING IT TO
6 PROFESSIONAL PEOPLE WHO ARE COMPETENT TO PUT THE PLAN
7 TOGETHER. AND I DON'T KNOW WHETHER WE COULD SUGGEST THAT
8 THAT BE CHANGED OR NOT. IT DOESN'T SEEM TO ME YOU COULD
9 DO THAT IN A REGULATION.

10 BOARD MEMBER BREMBERG: WELL, PERHAPS NOT. BUT
11 WHAT, I GUESS, I'M SAYING IS THAT IF THEY HAVE IGNORED IT
12 FOR A YEAR, WHY DO THEY JUMP IN TWO DAYS BEFORE THE PLAN
13 IS TO BE ADOPTED OR REJECTED? THEY ALWAYS SEEM TO FIND
14 THE TIME TO PUT ON POLITICAL PRESSURE AND ASK POLITICAL
15 FAVORS A COUPLE OF DAYS OR A WEEK AHEAD OF WHEN THE PLAN
16 IS. WHY DIDN'T THEY RAISE THOSE ISSUES WHILE THE PLAN
17 WAS BEING RAISED WITH THEIR STAFF -- TELL THEIR STAFF,
18 "FIND OUT IF THIS IS IN IT OR IF THAT'S IN IT. I WANT
19 THIS TO HAPPEN; I DON'T WANT THAT TO HAPPEN." THERE'S
20 LOTS OF WAYS TO DO IT WITHOUT ACTUALLY READING IT ON A
21 DAY-TO-DAY BASIS.

22 ATTORNEY CONHEIM: I THINK THE QUESTIONS THAT
23 MRS. BREMBERG RAISES, IF WE BRAINSTORM, COULD BE HANDLED
24 IN A NUMBER OF WAYS. FOR INSTANCE, WE COULD, EVEN BY
25 REGULATION, REQUIRE PUBLIC HEARINGS AT THE TIME THE PLAN

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1 REVIEW REPORT WAS PREPARED, AT THE TIME A DRAFT PLAN WAS
2 PREPARED, AT THE TIME THE FINAL WAS PREPARED. THIS, OF
3 COURSE, WOULD EXTEND THE AMOUNT OF TIME THAT IT WOULD
4 TAKE. SO THERE'S -- YOU HAVE TO PAY FOR THESE THINGS.

5 ON THE OTHER HAND, WE CERTAINLY -- IT'S TOO
6 BAD THAT THIS REMARK WON'T GET THE ATTENTION THAT IT CAN.
7 I CAN MAKE IT AND IT DOESN'T BIND YOU. I'M JUST MAKING A
8 THINK SUGGESTION. WE COULD CERTAINLY GET COUNTIES' AND
9 CITIES' ATTENTIONS IF THERE WERE A STATEWIDE STATUTORY
10 MANDATE CONCERNING BUILDING MORATORIA UNLESS SOLID WASTE
11 INFRASTRUCTURE WERE PLANNED FOR AND IMPLEMENTED IN SOLID
12 WASTE PLANS. BELIEVE ME, EVERY TIME A LAND USE PERMIT
13 CAME UP, THEY'D BE OPENING UP THE SOLID WASTE PLAN. SO
14 THERE'S A LOT OF WAYS TO DEAL WITH THAT SUBJECT.

15 AND THE POINT THAT MRS. BREMBERG RAISES IS
16 ONE FOR MORE THAN A REGULATION TINKERING DISCUSSION IS A
17 MAJOR POLICY ISSUE THAT I THINK THAT YOU, THE BOARD, CAN
18 BEGIN TO THINK AND GIVE STAFF DIRECTION, NOT ONLY IN
19 ADOPTING REGULATIONS OR CHANGING REGULATIONS, BUT ALSO
20 FOR OUR LEGISLATIVE PROGRAM FOR THE FOLLOWING YEAR ARE A
21 GOOD ISSUE.

22 BOARD MEMBER BREMBERG: I JUST THOUGHT I'D TOSS
23 IT OUT WHILE WE WERE DOING THE REGULATIONS.

24 CHAIRMAN GALLAGHER: IT'S FINE THAT YOU BROUGHT
25 IT UP. JUST AS I LISTEN TO IT, IT SOUNDED TO ME WHAT YOU

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1 WERE TRYING TO ACCOMPLISH WOULD MORE LIKELY BE HANDLED IN
2 LEGISLATION THAN IN REGULATION.

3 BOARD MEMBER BREMBERG: I THINK YOU ARE PROBABLY
4 ABSOLUTELY CORRECT.

5 BOARD MEMBER BEAUTROW: I JUST WANTED TO
6 SUMMARIZE ON THIS ISSUE. I GUESS WHAT YOU COULD SAY
7 ABOUT THIS IS THE PROCESS HAS BECOME DILUTED. ACCORDING
8 TO THE LAW, COUNTY BOARD OF SUPERVISORS IS HELD
9 ACCOUNTABLE FOR THE COSWMP. WHAT HAS HAPPENED IS THEY'VE
10 DELEGATED THE PREPARATION TO AGENCIES, DISTRICTS,
11 CONSULTANTS, AUTHORITIES, AND THEY DON'T -- SOMETIMES
12 THEY LOSE COMPLETE CONTROL.

13 ONE CASE I KNOW VERY WELL WHERE THEY TOOK
14 THAT FUNCTION BACK THEMSELVES BECAUSE SOMEBODY DIDN'T DO
15 THE JOB THEY THOUGHT THEY SHOULD HAVE. WE NEED TO DO
16 SOMETHING ABOUT THIS. AND ONE OF THE THINGS WE SHOULDN'T
17 DO IS TO TAKE THIS LANGUAGE OUT OF HERE, AS YOU ARE
18 SUGGESTING. IF IT DOES NOTHING ELSE, IT STILL ALERTS YOU
19 TO THE FACT THAT THE COUNTY BOARD OF SUPERVISORS ARE
20 RESPONSIBLE, PERIOD.

21 CHAIRMAN GALLAGHER: NOW, BACK TO MS. BREMBERG.

22 BOARD MEMBER BREMBERG: PAGE 65, II 6-11. THE
23 PARAGRAPH THAT STARTS, "THIS SPECIFIC PROGRAM MAY, FOR
24 EXAMPLE, CONSIST OF."

25 MY QUESTION: DOES THAT GIVE THE COUNTY AN

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1 OUT BECAUSE CONTRACTS CAN BE ABROGATED WITH THE ESCAPE
2 CLAUSES AND SO FORTH, AND THEY WOULD BE BACK WITHOUT ANY
3 CAPACITY OR ANY ARRANGEMENT AT ALL BECAUSE YOU CANNOT
4 BIND FUTURE COUNCILS OR FUTURE BOARDS OF SUPERVISORS?

5 MR. SMITH: I SUPPOSE IT WOULD BE THE
6 POSSIBILITY THAT THEY COULD GET OUT OF A CONTRACT.

7 BOARD MEMBER BREMBERG: I'M TALKING ABOUT NO. 1.

8 MR. SMITH: VALID MEMORANDUM OF UNDERSTANDING OR
9 CONTRACT.

10 BOARD MEMBER BREMBERG: ON PAGE 65.

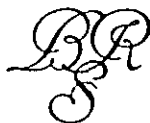
11 MR. SMITH: NO. 1, RIGHT.

12 BOARD MEMBER BREMBERG: NO. 1.

13 MR. SMITH: RIGHT. AND I SUPPOSE THERE ARE
14 ESCAPE CLAUSES.

15 BOARD MEMBER BREMBERG: IF ANYBODY, ANY
16 GOVERNMENTAL AGENCY, DOES NOT HAVE AN ESCAPE CLAUSE IN A
17 CONTRACT FOR ANY SERVICE, THEY'RE CRAZIER THAN HOOTS.
18 AND THERE'RE VERY FEW COUNTY ATTORNEYS OR CITY ATTORNEYS
19 THAT LOSE CONTROL SO MUCH THAT THEY DON'T PUT ESCAPE
20 CLAUSES IN, AND IT'S FOR THE BENEFIT OF THE CONTRACTOR AS
21 WELL. LET'S SAY THEY GO BANKRUPT. LET'S SAY THAT THERE
22 IS SOME INCREDIBLE CHANGE IN POLICY PLAN, THEY'RE
23 SWALLOWED UP BY ANOTHER COMPANY OR WHATEVER, THERE'S
24 ALWAYS AN ESCAPE CLAUSE. AND I THINK WE'RE BEING A
25 LITTLE SIMPLISTIC HERE IS ALL.

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1 MR. SMITH: WE'LL LOOK INTO IT.

2 BOARD MEMBER MOSCONE: MAY I ASK ON THAT SAME.
3 DOES THE BILL 1462 SPEAK TO THIS AT ALL?

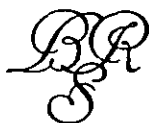
4 MR. SMITH: IF I MAY, MR. CHAIRMAN. 1462 STATES
5 THAT IF YOU ARE UNABLE -- IF YOU HAVE LESS THAN EIGHT
6 YEARS OF PERMITTED CAPACITY AND YOU ARE UNABLE TO RESERVE
7 FUTURE DISPOSAL SITES, THEN YOU NEED TO SUBMIT A PROGRAM
8 FOR DISPOSAL TO THIS BOARD FOR APPROVAL. SO IT -- IT'S
9 BROAD, AND THAT'S WHAT THE REGULATIONS ARE TRYING TO DO
10 IS TO CLARIFY WHAT'S IN CODE.

11 BOARD MEMBER MOSCONE: I WAS PIGGING-BACKING ON
12 WHAT MRS. BREMBERG WAS TALKING ABOUT.

13 BOARD MEMBER BREMBERG: I HAVE JUST ONE MORE
14 QUESTION. ON PAGE 68, II 6-14, MR. MOSCONE BROUGHT THIS
15 UP, AND I'D LIKE TO GO JUST ONE STEP BEYOND.

16 THE NO. 2, FIRST SENTENCE, "THE PLAN SHALL
17 PROVIDE FOR ANNUAL REVIEW OF THE BARRIERS." AND, YET,
18 YOU DO NOT DEFINE BARRIERS EITHER IN NO. 1 UNDER D OR NO.
19 2. YOU JUST SAY BARRIERS. THAT, TO ME, COULD BE A
20 RETAINING WALL, WHICH IS A BARRIER. YOU SEE WHAT I'M
21 SAYING? JUST SOME SORT OF A BARRIER OR A HINDRANCE OR AN
22 ACTION OR CODE CHANGE AND ORDINANCE. THERE'S A LOT OF
23 BARRIERS, BUT I CAN SEE -- I PERSONALLY, AS I READ IT AND
24 REREAD IT, AND I COULDN'T DEFINE WHAT A BARRIER TO
25 RESOURCE RECOVERY WOULD BE AS THIS IS DEFINED OR JUST

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1 LISTED. THERE ARE LOTS OF WAYS. JUST PLAIN NOT WANTING
2 TO DO IT IS ONE OF THEM.

3 MR. SMITH: WE CAN LOOK AT A BETTER DEFINITION.

4 BOARD MEMBER MOSCONE: EXCUSE ME, MRS. BREMBERG.

5 BOARD MEMBER BREMBERG: I'M THROUGH.

6 BOARD MEMBER MOSCONE: WOULD THIS GO BACK TO D
7 ON PAGE -- ON THE -- AT THE BOTTOM ON PAGE 67, WHICH
8 SPEAKS ABOUT BARRIERS: ECONOMIC, SOCIAL, ENVIRONMENTAL,
9 AND INSTITUTIONAL BARRIERS?

10 BOARD MEMBER BREMBERG: THAT'S NOT A CLEAR
11 DEFINITION.

12 CHAIRMAN GALLAGHER: WELL, YOU SEE THE LINE OF
13 REASONING THEY HAVE?

14 MR. SMITH: WE'LL --

15 ATTORNEY CONHEIM: MR. GALLAGHER, WE CAN -- IT'S
16 OBVIOUS THAT THAT WORD, WHICH HAS OTHER SPECIFIC OR
17 BETTER KNOWN OR MORE USED MEANINGS OUTSIDE THE CONTEXT OF
18 THIS REGULATION, WE NEED TO PICK A GENERIC WORD -- I
19 DON'T KNOW -- IMPEDIMENTS, HINDRANCE. WE NEED TO PICK A
20 WORD THAT DOESN'T HAVE A TERM OF ART MEANING SOMEWHERE
21 ELSE SO THAT WE'RE NOT LOOKING AT FREEWAY DIVIDERS WHEN
22 TALKING ABOUT SOLID WASTE PLANS. WE CAN FIGURE OUT
23 WORDS, AS LONG AS YOU TELL US, AND THAT'S A GOOD POINT SO
24 THAT IT'S CLEAR. WE NEED TO DO THAT ANYWAY, BUT WITHOUT
25 YOUR INPUT, WE WOULD HAVE MISSED THAT. WE'LL TAKE CARE

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OF THAT.

BOARD MEMBER MOSCONE: I'M JUST AFRAID, AS I MENTIONED BEFORE, THAT IF YOU DON'T GET INTO SOME DETAIL, THEY SAY, "WHAT DO THEY MEAN BY THIS WORD," THE WORD THAT YOU SUGGESTED. "WHAT DO THEY MEAN BY THIS?" AND SO YOU ARE GOING -- THEY'RE GOING TO BE ASKING THE SAME QUESTIONS THAT WE'RE ASKING. IF WE'RE ASKING, YOU KNOW DAMN WELL SOMEBODY ELSE IS GOING TO ASK THEM TOO.

ATTORNEY CONHEIM: WE NEED TO STRIKE A BALANCE BETWEEN OVERWRITING AND WRITING IN DETAIL IN THE AREAS WHERE YOU POINT OUT, WHERE WE POINT OUT, WHERE THE PUBLIC POINTS OUT THERE'S A LACK OF CLARITY. AND THAT'S OUR JOB TO TRY AND STRIKE THE BALANCE BETWEEN CLARITY AND BREVITY. AND SO THAT'S A GOOD POINT. I'M GLAD YOU RAISED IT.

BOARD MEMBER VARNER: MR. CHAIRMAN, MAY I ASK A QUESTION HERE THAT OCCURS TO ME? AT WHAT POINT OR WHO IS TO DECIDE IF, ONCE WE IDENTIFY A BARRIER, THAT IT BECOMES INSURMOUNTABLE? WHO IS TO MAKE THAT DECISION? SEE, THERE BECOMES THE REAL CRUX OF WHERE THE ARGUMENT IS GOING TO GET SOMEWHERE DOWN THE LINE.

ATTORNEY CONHEIM: MR. GALLAGHER, MR. VARNER, THESE REGULATIONS ARE -- DON'T REQUIRE THE SPECIFICITY THAT A PUBLIC HEALTH STANDARD OR A PERMIT APPLICATION CRITERION WOULD REQUIRE. THESE, IN FACT, ARE PLANNING

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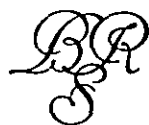
1 REGULATIONS, AND PLANNING DOCUMENTS' OFTEN RAISE AS MANY
2 QUESTIONS AS THEY SET TO REST. AND THAT'S WHY WE -- YOU
3 SET OUT A SCHEMA FOR WRITING THESE PLANS, KNOWING THAT
4 ONE OF THE PURPOSES OF A COSWMP IS TO RAISE THE RIGHT
5 ISSUES AND THE DOCUMENT'S A LIVING DOCUMENT. YOU MAY
6 NEVER ANSWER SOME OF THESE QUESTIONS.

7 BOARD MEMBER VARNER: I'LL TELL YOU WHAT MY
8 CONCERN IS AND I SEE IT MAY BE HEADING THAT WAY IN SOME
9 THINGS, THAT EVENTUALLY YOU RUN INTO SOME SITUATIONS
10 WHERE WE, AS A BOARD, HAVE TO IMPOSE SOME RULES ON A
11 COMMUNITY OF WHICH THEY CANNOT COMPLY WITH. I THINK WE
12 MAY ALREADY SOME OF THOSE THINGS; SO, THEREFORE, AT LEAST
13 IT'S SOMETHING -- YOU KNOW, WE'RE HERE TO SOLVE PROBLEMS.
14 AND NATURALLY WHEN YOU RUN UP AGAINST THAT TYPE OF A
15 SITUATION, THEN IT REALLY CREATES A HECK OF A PROBLEM FOR
16 SOMEBODY. AND THEN HOW IS IT TO BE RESOLVED?

17 SO I'M JUST RAISING SORT OF A RHETORICAL
18 THING. AND I UNDERSTAND THAT WE NEED SOME KIND OF
19 CRITERIA SO WE CAN GET THE JOB DONE THAT NEEDS TO BE
20 DONE. AT THE SAME TIME, IF YOU GET LOCKED INTO A
21 SITUATION OF WHICH LEGALLY YOU CANNOT -- WE CAN'T
22 ABDICATE OUR RESPONSIBILITY; BUT, YET, AT THE SAME TIME,
23 WE DO SOMETHING TO SOMEONE THAT THEY JUST CAN'T COMPLY
24 WITH. AND WE MAY VERY WELL BE IN THAT SITUATION ALREADY.

25 CHAIRMAN GALLAGHER: THANK YOU. MR. BEAUTROW.

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1 BOARD MEMBER BEAUTROW: FIRST, A GENERAL
2 COMMENT. WHEN YOU LOOK THROUGH THESE PROPOSED CHANGES,
3 AND THIS IS THROUGHOUT, YOU WILL SEE THE WORD "SHALL" AND
4 "SHOULD." OKAY. IN MY MIND, THESE REGULATIONS ARE OUR
5 LIFE BLOOD OF THE WHOLE PROCESS. AND I'M NOT GOING TO
6 GIVE YOU SOME SPECIFIC EXAMPLES. BUT, YOU KNOW, ON A
7 WORD PROCESSING MACHINE YOU PUT UP TO SEARCH. I THINK
8 YOU OUGHT TO PUT ON SEARCH AND CHANGE EVERY SHOULD TO
9 SHALL OR LOOK VERY CAREFULLY AT THAT BECAUSE IT'S NOT
10 CONSISTENT AND YOU OUGHT TO DO THAT.

11 I'M GOING TO CONCENTRATE JUST ON THAT
12 SECTION ON RESOURCE RECOVERY WHICH STARTS ON PAGE 67,
13 WHICH WAS ENTIRELY REWRITTEN. AND IT HAS BEEN CHANGED
14 AND SIGNIFICANTLY AMPLIFIED, BUT I THINK THAT -- AND I'M
15 JUST GOING TO GIVE YOU SOME EXAMPLES OUT OF THIS FAILED
16 3298 THAT SOMEHOW OR OTHER I FEEL YOU CAN WRAP IN HERE.

17 AND YOU CAN SEE WHERE THEY GO, BUT ONE OF
18 THEM IS IMPLEMENTATION SCHEDULE THAT SHOWS HOW YOU ARE
19 GOING TO DO THAT. I'M NOT SURE WHETHER THEY HAVE AN
20 IMPLEMENTATION SCHEDULE. AND WE'RE TALKING ABOUT
21 RESOURCE RECOVERY ELEMENT, OKAY, IN THE PLAN. I DON'T
22 KNOW THAT THAT'S SPECIFICALLY CALLED OUT HERE. I'M JUST
23 THROWING THESE OUT FOR CONSIDERATION.

24 WASTE CHARACTERIZATION STUDY. I'VE SEEN
25 PLAN AFTER PLAN, THEY'LL TAKE SOMETHING IN LONG BEACH AND

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1 USE IT IN EUREKA. AND IT'S A VERY LOCALIZED, SENSITIVE
2 THING, AND I BELIEVE THAT THE COUNTY -- WE OUGHT TO
3 REQUIRE THAT SOMEHOW OR OTHER THEY HAVE VALID WASTE
4 CHARACTERIZATION STUDIES BECAUSE WE'VE HEARD THIS
5 DISCUSSION ABOUT "WHAT ARE THESE THINGS WE'RE GOING TO
6 RECOVER?" "HOW MUCH?" AND IT'S ALL SPECULATION. AND
7 UNLESS THEY HAVE SOMETHING THAT'S REASONABLY VALID, YOU
8 CAN'T TAKE SOMETHING FROM 1978 IN LONG BEACH AND USE IT
9 IN SACRAMENTO.

10 ANOTHER THING, DESCRIPTIONS OF THE
11 MATERIALS TARGETED FOR WASTE REDUCTION. I THINK WE'VE
12 GOT THAT.

13 DESCRIPTION OF METHOD OR METHODS TO BE USED
14 TO RECYCLE AND WASTE REDUCTION, DESCRIPTION OF METHODS
15 FOR DISPOSAL OF INERTS.

16 ESTIMATION OF COST OF IMPLEMENTING THE
17 RESOURCE RECOVERY ELEMENT.

18 I'M JUST GOING TO CALL YOUR ATTENTION TO GO
19 BACK TO LOOK THROUGH THIS 3298 AND SEE IF ANY OF THESE
20 ELEMENTS THAT ARE IN HERE ARE CAPABLE OF BEING
21 INCORPORATED OR INTEGRATED IN THIS. AND THIS WAS
22 EVIDENTLY -- WE PLAYED A PART IN THIS 3298 ORIGINALLY. I
23 THINK MR. LARSON WAS INSTRUMENTAL, SO THESE ARE NOT JUST
24 IDLE THINGS THAT ARE PUT IN HERE. SO LET'S SEE IF WE CAN
25 STRENGTHEN THIS FURTHER.

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1 I'M STILL -- SO THAT'S MY COMMENTS ON THE
2 RESOURCE RECOVERY PART WITHOUT GETTING INTO ALL OF THE
3 DETAILS.

4 MR. SMITH: WE'LL LOOK CAREFULLY AT THAT, MR.
5 BEAUTROW.

6 BOARD MEMBER BEAUTROW: I'M BOTHERED BY -- ALSO
7 YOU TALK ABOUT OPTIMIZING RESOURCE RECOVERY. THERE'S
8 SEVERAL INSTANCES OF OPTIMIZING, MAXIMIZING, DIVERSION,
9 EVERYTHING. WE OUGHT TO BE CONSISTENT. IN OTHER WORDS,
10 OUR OBJECTIVE, WE STATED IT RIGHT AT THE FRONT IS THAT
11 RESOURCE RECOVERY IS AN ALTERNATIVE, AND WE WANT TO
12 MAXIMIZE THE DIVERSION TO TAKE THE LOAD OF THE LANDFILL.

13 AND, LASTLY, THIS BUSINESS ABOUT THE
14 TENTATIVE -- WHERE IS THE TENTATIVE DISPOSAL SITES? I
15 GUESS IT'S BACK IN THE DEFINITION SECTION. THAT'S
16 STILL -- PAGE 51, TENTATIVELY RESERVED DISPOSAL AREA.
17 THESE ARE ALL NEW TERMINOLOGY TO ME. THEY JUST CROPPED
18 UP, AND I THINK WE BETTER BE VERY JUDICIOUS IN TRYING TO
19 CHANGE SOMETHING THAT I UNDERSTOOD WELL, THAT A COUNTY IS
20 SUPPOSED TO DESIGNATE DISPOSAL SITES IN THE COUNTY PLAN.
21 THAT'S THE WHOLE PURPOSE OF THE PLANNING. I DON'T
22 UNDERSTAND HOW THIS CROPPED UP. IT SEEMS LIKE IT'S
23 WEAKENING OR DIFFUSING THE PROCESS. THAT'S ALL.

24 ATTORNEY CONHEIM: MR. CHAIRMAN, MR. BEAUTROW,
25 THE TERMS "TENTATIVE RESERVATION," WERE ENACTED BY AB

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1 1462 LAST YEAR. THEY CHANGED TERMS THAT HAD BEEN IN THE
2 LAW SINCE THE CHICONE-KAPILOFF PLANNING LEGISLATION OF
3 1982 AND 3 AS AMENDED BY THE FRAZEE BILL. SO THAT THOSE
4 TERMS ARE IN THE STATUTE, BUT NOT DEFINED IN THE STATUTE,
5 WHICH IS EVEN A WORSE SITUATION THAN THE ONE YOU ARE
6 DESCRIBING. THEY'RE USED, BUT NOT DEFINED AT ALL.

7 WE WILL TRY AND BRING SOME CLARITY TO WHAT
8 IS MEANT BY RESERVATION IN THE CONTEXT OF GENERAL PLANS
9 AND COUNTY SOLID WASTE MANAGEMENT PLANS. THAT'S -- THAT
10 WAS PART OF WHAT I WAS CONCERNED ABOUT BEFORE BECAUSE WE
11 KNOW THAT THERE ARE TERMS USED IN GENERAL PLAN LIKE
12 DESIGNATE OR BE CONSISTENT WITH AND THOSE HAVE NORMAL
13 MEANINGS, BUT THESE NEW TERMS DON'T HAVE ANY MEANINGS AT
14 ALL.

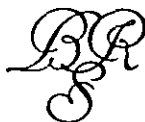
15 BOARD MEMBER BREMBERG: THAT'S A WONDERFUL WAY
16 TO BE VIRTUOUS AND NOBLE WITHOUT COMMITTING.

17 BOARD MEMBER MOSCONE: I'M JUST AFRAID IT'S
18 GOING TO BRING US SOME MORE CONTRA COSTA STUFF.

19 BOARD MEMBER VARNER: BOB, LET ME UNDERSTAND IF
20 I UNDERSTOOD WHAT YOU SAID. YOU MEAN THAT YOU ARE GOING
21 TO GO BACK AND TRY TO DEFINE WHAT YOU THINK THEY MIGHT
22 HAVE INTENDED?

23 ATTORNEY CONHEIM: NO. IT MAY BE A LITTLE MORE
24 BOLD THAN THAT. WE'RE GOING TO DEFINE THE WAY THE BOARD
25 HAS IMPLEMENTED THESE TERMS AND THE WAY WE WANT THEM

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1 IMPLEMENTED. I THINK THERE'S SOME COMMON SENSE THAT CAN
2 BE CLEARLY STATED BY THEM, AND I DON'T MEAN TO BE
3 CAVALIER.

4 MR. VARNER: I'M JUST KIDDING.

5 ATTORNEY CONHEIM: YOU GOT IT RIGHT. IT CAME
6 OUT A WHOLE CLOTH WITHOUT ANY ABILITY. WHEN YOU ARE
7 DEALING WITH A POLITICAL BILL LIKE AB 1462, IT'S
8 DIFFICULT TO FIND THE APPROPRIATE TIME DURING ITS
9 ENACTMENT TO TINKER WITH THE LITTLE TECHNICAL ASPECTS OF
10 IT. YOU FIGURE YOU LIVE WITH THOSE, THEN THEY TURN OUT
11 TO BE THE MOST SIGNIFICANT PARTS OF THE BILL LATER ON.
12 AND THAT'S WHAT WE'VE HAD AS A PROBLEM WITH CONTRA COSTA
13 IS DEFINING SOME OF THOSE TERMS.

14 CHAIRMAN GALLAGHER: THANK YOU. MR. BROWN AND
15 MR. ARAKALIAN WILL HAVE AN OPPORTUNITY AFTER LUNCH TO ADD
16 THEIR COMMENTS TO WHAT'S ALREADY BEEN MADE. WE'RE RIGHT
17 AT THE LUNCH ADJOURNMENT TIME. WE WILL RECESS NOW UNTIL
18 1:30 ON THE DOT.

19 (A LUNCH BREAK WAS TAKEN.)
20
21
22
23
24
25

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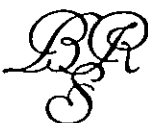
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1 AFTERNOON SESSION, SEPTEMBER 29, 1988

2

3 CHAIRMAN GALLAGHER: BACK IN SESSION. WE HAVE
4 NOT HEARD FROM MR. ARAKALIAN TO ADD HIS COMMENTS ON THE
5 FIRST PART OF THE FIRST ITEM. SO, SAM, IF YOU --

6 BOARD MEMBER ARAKALIAN: ACTUALLY, MOST
7 EVERYTHING I HAD IN MIND WAS COVERED. I WOULD LIKE TO
8 ASK ONE THING. WE GO THROUGH THIS EXERCISE OF DEVELOPING
9 REGULATIONS. HOW MUCH CLOUT DO WE HAVE AND WHAT IS THERE
10 WE CAN DO TO ENFORCE THESE REGULATIONS? MAKING A
11 REGULATION IS ONE THING AND ENFORCING IT IS ANOTHER. IF
12 YOU DON'T HAVE ANY CLOUT WITH WHICH TO WORK, IF THE
13 LEGISLATURE OR WHOEVER IT IS DOESN'T GIVE US SOMETHING,
14 HOW GOOD IS THE REGULATION? HAVING A COP WITHOUT A
15 COURT.

16 ATTORNEY CONHEIM: AT THIS POINT IN THE PLANNING
17 STATUTES, WE DON'T HAVE ANY PENALTIES OR ANY SPECIFIC
18 REMEDIES THAT ARE ACTUALLY WITHIN OUR STATUTE, BUT YOU
19 CAN STILL BRING A MANDATE ACTION AGAINST THE COUNTY FOR
20 FAILING TO ADOPT A PROPER PLAN AND, I SUSPECT, FOR
21 FAILING TO IMPLEMENT IF WE COULD TRACK SUCH
22 IMPLEMENTATION.

23 SO WE HAVE SOME ENFORCEMENT AUTHORITY AND
24 REMEDIES INHERENT IN A WRIT OF MANDATE PROCESS. SO I
25 WOULDN'T HESITATE TO BEEF UP THE CONTENT OF THESE

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1 REGULATIONS TO ACCOMPLISH SUBSTANTIVELY WHAT YOU WANT TO
2 ACCOMPLISH. IF WE FIND THAT THE EXISTING REMEDIES AREN'T
3 VERY GOOD, THEN I THINK WE NEED TO ADDRESS THAT
4 STATUTORILY. OUR PROBLEM IS A CART BEFORE THE HORSE
5 SITUATION. I THINK WE NEED TO DO THE BEST JOB WE CAN ON
6 THESE REGULATIONS TO GET SOME SUPPORT LATER ON IN THE
7 LEGISLATURE TO --

8 BOARD MEMBER ARAKALIAN: I WASN'T SAYING WE
9 SHOULDN'T DO IT. WHAT I'M SAYING IS WE HAVE TO GIVE SOME
10 ATTENTION TO AFTER WE DO THIS TO DEVELOPING SOME CLOUT.
11 SURE, WE CAN GO THROUGH WHAT I'VE SEEN WITH THE AG'S
12 OFFICE ON THE MAJOR ISSUE, TAKE THEM TO COURT AND ALL
13 THIS BIG, HEAVY-DUTY STUFF, BUT HOW ABOUT WHAT DO WE HAVE
14 FOR, SAY, SOME RELATIVELY SMALL HAND-SLAPPING? YOU ARE
15 NOT -- LET'S BE REALISTIC. WE AREN'T GOING TO GO TO THE
16 AG AND TAKE EVERYBODY IN THE WORLD ON FOR MINOR
17 VIOLATIONS, AND YET MINOR VIOLATIONS CAN ACCUMULATE AND
18 CONTINUE TO GO BE GOTTEN AWAY WITH IF WE HAVE NO -- IF
19 THERE IS REPERCUSSION FOR THIS.

20 YOU CAN SAY, "WELL, THE COUNTY DOESN'T GET
21 THEIR PLAN ON SOMETHING AS MAJOR AS THAT." WE'VE ONLY
22 DONE IT ONCE, I THINK, OR TWICE, I DON'T REMEMBER, BUT
23 THAT'S ON SOMETHING VERY MAJOR. BUT HOW ABOUT ON THE
24 DAY-TO-DAY, EVERYDAY -- THESE REGULATIONS AREN'T JUST ON
25 GETTING A COSWMP. THESE REGULATIONS ARE FOR EVERYTHING

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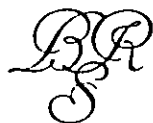
1 FROM LITTLE DINKY UP TO BIG.

2 AND THERE HAS TO BE SOME THOUGHT ALONG THE
3 WAY FOR THAT. YOU CAN SAY, "LET'S DO THIS FIRST." I BUY
4 THAT. WE'LL DO THIS FIRST, BUT WE SHOULD, AT LEAST, BE
5 THINKING IN TERMS OF WHEN THE TIME DOES COME UP, THAT WE
6 ARE GOING TO THINK IN THAT AREA. LET'S NOT WAIT TILL
7 THEN TO START THE THINKING CLOCK GOING. LET'S START THE
8 THINKING CLOCK GOING NOW SO THAT WHEN THIS TERMINATES, WE
9 CAN STEP RIGHT INTO IT AND SAVE ANOTHER YEAR.

10 CHAIRMAN GALLAGHER: I HAVE A QUESTION ON THAT
11 ISSUE BEFORE YOU ANSWER THAT. IT'S MY RECOLLECTION THAT
12 AIR AND WATER ARE ABLE TO DENY PERMITS TO CONSTRUCT, TO
13 DO A LOT OF THINGS TO BRING A KIND OF ENFORCEMENT ACTION
14 AGAINST COUNTIES OR CITIES OR WHAT HAVE YOU. DO THEY GET
15 THAT POWER FROM STATUTORY REGULATION, OR DO THEY DO IT
16 WITH REGULATION, OR HOW WOULD WE PUT OURSELVES IN THE
17 SAME KIND OF A POSITION?

18 ATTORNEY CONHEIM: I'M TAKING MY CUE FROM MRS.
19 BREMBERG BECAUSE I THINK SHE KNOWS THE ERROR SCHEMA REAL
20 WELL, AND THEY DO GET IT FROM STATUTORY AUTHORITY. I
21 HEAR YOU LEADING INTO THE ISSUE OF DENYING PERMITS BASED
22 ON THIS INFRASTRUCTURE OR BUILDING PERMIT -- INSUFFICIENT
23 INFRASTRUCTURE FOR SOLID WASTE, AND THAT HAS TO BE
24 HANDLED STATUTORILY.

25 SO. IN COMMENT, JUST FINAL COMMENT TO SAM,



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1 THESE REGULATIONS ARE ONLY CONCERNING THE GUIDELINES,
2 HOWEVER SPECIFIC YOU WANT TO MAKE THEM, FOR COUNTIES TO
3 ADOPT THEIR LOCAL SOLID WASTE PLANS. AND SO THERE'S NOT
4 A WHOLE LOT OF ENFORCEMENT IN COURT THAT CAN BE DONE.
5 ADMINISTRATIVELY, OUR ENFORCEMENT IS ENHANCED ONLY
6 BECAUSE -- MAINLY BECAUSE WE HAVE A MUCH MORE CLEAR SET
7 OF CRITERIA TO APPLY TO THE COUNTY PLANS SO THAT WHEN OUR
8 PROGRAM ANALYSTS AND MANAGERS ANALYZE THE PLAN AND BRING
9 IT TO YOU, THEY WILL BE POINTING OUT, BELIEVE ME,
10 DEFICIENCIES IN THESE PLANS, AND YOU WILL BE PROMPTED TO
11 RETURN ELEMENTS OF THESE PLANS AS DEFICIENT.

12 THAT WILL GET PEOPLE'S ATTENTION.
13 ULTIMATELY THERE WILL BE A DELINQUENT SITUATION WHICH WE
14 DON'T WANT TO CREATE BY YOUR ACTIONS, BUT THERE WILL
15 BE -- IF A COUNTY CAN'T MEET THE REQUIREMENTS OF THESE
16 REGULATIONS AND CAN'T ADOPT A PLAN OR WON'T ADOPT A PLAN,
17 THEN THAT'S ENFORCEABLE.

18 SAM ALSO SHOULD REMEMBER AND YOU SHOULD
19 REMEMBER, TOO, THAT IN THE PERMIT SIDE, WE HAVE SPECIFIC
20 ENFORCEMENT OF A THOUSAND-DOLLAR-A-DAY PENALTY FOR
21 VIOLATION OF STANDARDS. SO THE ONE SIDE OF OUR LAW HAS
22 CIVIL PENALTIES. WHERE WE'RE WEAK ON THAT SIDE IS THAT
23 WE DON'T HAVE AUTHORITY TO ASSESS PENALTIES
24 ADMINISTRATIVELY. BUT WE ARE IN THE BALLPARK FOR
25 ASSESSING PENALTIES, AND WE HAVE THOUGHT ABOUT THIS A

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1 LOT, BUT THE TIME HAS TO BE RIGHT TO BRING SOME OF THESE
2 STATUTORY CHANGES TO ENHANCE OUR ABILITY TO ENFORCE OUR
3 STATUTES IN OUR GUIDELINES.

4 CHAIRMAN GALLAGHER: THANK YOU, BOB. SAM HAS
5 FINISHED HIS OPPORTUNITY; AND, JIM, YOU WANTED TO GO BACK
6 AND PICK UP ANOTHER COUPLE OF ITEMS.

7 BOARD MEMBER CALLOWAY: THANK YOU, MR. CHAIRMAN.
8 I'LL ONLY BE A COUPLE OF MINUTES HERE.

9 CORRECTION ON PAGE 73, FIRST PARAGRAPH, THE
10 TEXT OF CURRENT REGULATIONS. YOU ARE LOOKING AT THE
11 SECOND SENTENCE THERE, "THE SCHEDULE MUST REFLECT, MUST
12 REFLECT." IT SOUNDS LIKE THE TYPEWRITER GOT STUCK THERE
13 OR SOMETHING FOR A MOMENT. JUST HAPPENED TO PICK THAT
14 LITTLE THING UP.

15 WE MENTIONED HERE, MR. CHAIRMAN, SEVERAL
16 TIMES THIS MORNING ABOUT PUBLIC HEARINGS. AND I WOULD
17 SUGGEST THAT THE -- MR. CHAIRMAN, THE REASON I WAS
18 WAITING, I WANTED THE COUNSEL TO HEAR THIS AND GET HIS
19 OPINION ON IT. WE MENTIONED SEVERAL TIMES THIS MORNING
20 PUBLIC HEARINGS, AND I DO THINK IT WOULD BE PROBABLY VERY
21 HELPFUL TO, CERTAINLY TO THE CHAIR AND PROBABLY THE
22 PUBLIC, IF OUR AGENDA SO IDENTIFIED THESE ITEMS AS PUBLIC
23 HEARING ITEMS. LIKE ITEM 1, THIS MORNING, YOU CLEARLY
24 CAUTIONED US THAT THIS WAS A PUBLIC HEARING, SHOULD HAVE
25 BEEN OPENED AS A PUBLIC HEARING, SHOULD HAVE BEEN CLOSED

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1 PUBLIC HEARING TO THE PUBLIC, AND THEN THE BOARD MEMBERS
2 HAVE THEIR DISCUSSION AND SO FORTH.

3 SO IF THESE -- I THINK IT WOULD BE HELPFUL
4 IF THEY WERE IDENTIFIED ON THE AGENDA AS PUBLIC HEARING
5 ITEMS SO THAT THE PUBLIC DOES KNOW AND CERTAINLY THE
6 CHAIR KNOWS THAT THESE ARE PUBLIC HEARINGS. IS THIS --

7 ATTORNEY CONHEIM: MR. CALLOWAY, THE SAME
8 THOUGHT OCCURRED TO ME, AND IT HADN'T OCCURRED TO ME
9 BEFORE BECAUSE WE NEVER HAD A PUBLIC HEARING AND
10 WORKSHOPS ON THE SAME AGENDA. SO WHEN I LOOKED AT THESE,
11 THEY DIDN'T LOOK LIKE THEY WERE ENOUGH DIFFERENT IN THEIR
12 STATEMENT TO CATCH YOUR ATTENTION. IN THE FUTURE, IF
13 THAT'S THE BOARD'S DIRECTION, THERE'S NO LAW REQUIRING
14 THAT WE WRITE IT THIS WAY OR SOME OTHER WAY, WE CAN DO
15 IT. THE LAW ONLY SAYS THAT WE HAVE TO BE CLEAR IN OUR
16 AGENDA. WE CAN BE MORE CLEAR.

17 BOARD MEMBER CALLOWAY: BUT I THINK IF THE
18 PUBLIC -- IF I WAS SITTING IN THE PUBLIC AND I COULD SEE
19 AN ITEM THAT WAS A GENERAL ITEM OR VERSUS A PUBLIC
20 HEARING ITEM, I WOULD RECOGNIZE THE DIFFERENCE, AND I
21 THINK IT WOULD BE EASY.

22 I WANT TO GO TO PAGE 50, LAST PARAGRAPH
23 THERE, M.

24 CHAIRMAN GALLAGHER: PAGE 50?

25 BOARD MEMBER CALLOWAY: PAGE 50, YES. WASTE



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1 REDUCTION, "TO DECREASE THE AMOUNT OF WASTE SOURCE BY
2 REDESIGNING PRODUCTS AND PACKAGING CHANGES."

3 WHAT DO WE PROPOSE TO DO THERE? I'M ALL
4 FOR THIS. I MEAN, IF WE CAN GET THE PACKAGING INDUSTRY
5 TO SHAPE UP HERE, I'M ALL FOR IT. WHAT CAN WE DO? WHAT
6 DO WE MEAN BY THAT?

7 MR. LARSON: MR. CHAIRMAN, MR. CALLOWAY, I'D
8 LIKE TO ADDRESS THAT. THE PURPOSE FOR WHICH THESE
9 DEFINITIONS HAVE BEEN DESIGNED IS TO CLARIFY FOR
10 ANYBODY'S INFORMATION WHAT WE MEAN BY A WORD OR PHRASE
11 WHEN WE SAY IT. SO TO GET TO THE POINT OF THE RESPONSE
12 TO YOUR QUESTION, WE DO NOT PROPOSE TO DO ANYTHING AT
13 THIS TIME. BUT WHAT THIS DOES BY ENCODING IT OR PUTTING
14 IT IN OUR REGULATIONS IS THAT WHEN WE DO DECIDE TO, SAY,
15 DEVELOP LEGISLATION THAT MAY ADDRESS THE ISSUE OF WASTE
16 REDUCTION AND PACKAGING, WE WILL HAVE A CLEARLY
17 DELINEATED DEFINITION OF WHAT THAT MEANS. SO THIS IS A
18 TOOL WHICH WILL AT A LATER DATE SERVE AS THE MEANS TO DO
19 SOMETHING.

20 BOARD MEMBER CALLOWAY: ALL RIGHT. THAT'S
21 GREAT. I JUST SAW IT THERE, AND I THOUGHT IT WAS A GREAT
22 IDEA.

23 ONE MORE, MR. CHAIRMAN, AND THIS IS THE
24 LAST. WE TALKED -- I ASKED THIS MORNING ABOUT SEWAGE
25 SLUDGE, AND YOU REFERRED ME TO PAGE 64 AND 59. SO LET'S

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1 LOOK AT 59 FIRST, IF YOU WILL, FIRST PARAGRAPH, PARAGRAPH
2 B. ONLY THING I SEE THERE IS "FORM OF LIQUIDS." IS THIS
3 WHAT YOU ARE REFERRING TO AS SEWAGE SOLIDS?

4 MR. SMITH: ON PAGE 58?

5 BOARD MEMBER CALLOWAY: 59. I SEE.

6 MR. LARSON: MR. CHAIRMAN AND MR. CALLOWAY, LOOK
7 AT THE FOURTH PARAGRAPH DOWN ON PAGE 59 ALSO IS AN
8 INCLUSIVE OF OTHER SPECIAL WASTES, AND THE LAST LINE OF
9 PARAGRAPH 4, "LIQUID WASTES, SLUDGE, AND SLURRY WASTE."

10 AND TO MR. SMITH'S COMMENT ON THE PREVIOUS
11 PAGE ON PAGE 58, AT THE BOTTOM OF THE PAGE 26-4, THOSE
12 WITHOUT THE BOARD ENUMERATED PACKET, THE LAST SENTENCE,
13 "SLUDGE, SEPTIC TANK PUMPINGS."

14 BOARD MEMBER CALLOWAY: AND THIS HAS TO BE A
15 PART OF THEIR COSWMP PROGRAM. IS THIS CORRECT NOW?

16 MR. SMITH: EACH ONE OF THESE ELEMENTS WE'RE
17 GOING THROUGH RIGHT NOW ARE REQUIRED ELEMENTS OF EVERY
18 COSWMP. AND, BASICALLY, WHAT THIS SECTION DOES IS TELL
19 THEM THAT THEY HAVE TO IDENTIFY THE QUANTITIES IN THIS
20 SUBPARAGRAPH, A, AND THEN A LAST PARAGRAPH, UNDERLINED
21 PARAGRAPH ON 59 STATES HOW THEY SHALL HANDLE THAT. THEY
22 SHALL HAVE THE DESCRIPTION OF HOW THEY HANDLE THAT IN THE
23 PLAN.

24 BOARD MEMBER CALLOWAY: YOU SAY 59, THE LAST
25 PARAGRAPH, STORAGE AND COLLECTION?

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1 MR. SMITH: THE FOURTH PARAGRAPH TALKS ABOUT HOW
2 THEY'LL HANDLE THE SPECIAL WASTE.

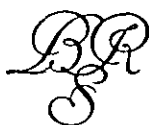
3 BOARD MEMBER CALLOWAY: WELL, YOU'VE TAKEN INTO
4 CONSIDERATION THAT THAT'S, YOU KNOW, SUBJECT TO EPA REGS
5 AND IT IS TOXIC. ISN'T THAT CONSIDERED, CANNOT GO IN
6 JUST ORDINARY LANDFILLS?

7 MR. SMITH: SOME MAY BE ABLE TO GO -- I DON'T
8 KNOW ABOUT ORDINARY LANDFILLS. THERE'S NOT THAT MANY
9 THAT GOES TO ORDINARY LANDFILLS.

10 BOARD MEMBER CALLOWAY: AS I UNDERSTAND, SOME
11 LANDFILLS WILL ACCEPT IT, SOME WON'T. I USED THE WRONG
12 TERM. I'M SORRY. SOME WILL ACCEPT IT, SOME WON'T. ARE
13 WE NOW BEING ABLE TO IDENTIFY THAT? HOW ARE WE GOING TO
14 GET AROUND THAT? SUPPOSING SAN MATEO COUNTY OR CONTRA
15 COSTA COUNTY DOESN'T HAVE A LANDFILL THAT WOULD ACCEPT,
16 IT, THEN WHAT DO THEY DO?

17 MR. SMITH: THEN WE, IN LOOKING AT THE PLAN,
18 WOULD IDENTIFY THAT AS A PROBLEM THEY HADN'T ADDRESSED;
19 AND WE WOULD EXPECT, THROUGH THE SECTIONS IN THIS
20 REGULATION AND IN ONE DEALING WITH DISPOSAL, THAT THEY
21 PRESCRIBE A PROGRAM FOR HANDLING THE SLUDGE THAT GOES
22 INTO NONHAZARDOUS WASTE FACILITIES. I MEAN, THE ONES
23 THAT ARE HAZARDOUS SHOULD BE HANDLED BY THE COMPREHENSIVE
24 HAZARDOUS WASTE PROGRAM PLAN.

25 BOARD MEMBER CALLOWAY: OKAY.



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1 MR. LARSON: MR. CHAIRMAN, IF I MAY, PLEASE,
2 TOO. IT'S AN IMPORTANT ISSUE OR ITEM THAT MR. CALLOWAY
3 BRINGS UP WHEN HE MENTIONED EPA BECAUSE WE ARE ALL AWARE
4 OF THE SUBTITLE D REGULATIONS THAT ARE CURRENTLY UNDER
5 DEVELOPMENT. AS WE GO THROUGH THIS PROCESS OF
6 CONSIDERATION AND FOR REVISION OF OUR REGULATIONS, OF
7 COURSE, WE'LL BE CLOSELY MONITORING THAT PROGRESS OF THE
8 EPA SUBTITLE D REGULATIONS.

9 ON OCTOBER 14TH, IF MY MEMORY SERVES ME
10 RIGHT, WE WILL HAVE STAFF ATTENDING A BRIEFING IN LOS
11 ANGELES SPONSORED BY EPA FOR CONSIDERATION OF THESE
12 SUBTITLE D DRAFT REGULATIONS SO THAT WE'RE -- WHEN WE
13 REACH OUR FINAL PRODUCT BEYOND THIS PRELIMINARY STAGE,
14 THAT WE HAVE COORDINATION THAT THE TWO MESH TOGETHER WELL
15 AND DON'T CONFLICT.

16 BOARD MEMBER CALLOWAY: I'M GLAD TO SEE YOU ARE
17 ON THAT BECAUSE IT IS AN IMPORTANT ITEM RIGHT NOW, BUT
18 IT'S GOING TO BECOME MORE IMPORTANT AS WE GO ALONG
19 BECAUSE OF THE DISPOSAL PROBLEMS WITH IT. THANK YOU, MR.
20 CHAIRMAN.

21 BOARD MEMBER BREMBERG: HAVE YOU RECEIVED COPIES
22 OF THAT, THE SUBTITLE D BOOK MAILED OUT BY EPA? WE'VE
23 GOTTEN IT IN OUR CITY.

24 MR. LARSON: YES.

25 BOARD MEMBER MOSCONE: I GOT ONE FROM THE BOARD

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1, THE OTHER DAY.

2 CHAIRMAN GALLAGHER: ON THE ISSUE THAT MR.
3 CALLOWAY RAISES HAVING TO DO WITH DISPOSAL OF SOME
4 SPECIAL WASTES, THE FACT THAT IT MUST BE AN ELEMENT OF
5 THE PLAN IS IMPORTANT IN THAT IF THEY CANNOT OR DO NOT
6 HAVE A MEANS OF DISPOSAL OF THAT SPECIAL WASTE, THEY CAN
7 COME TO US FOR HELP TO TRY TO FIND WHERE IT CAN BE
8 DISPOSED OF. BUT THEY HAVE THE RESPONSIBILITY OF, AT
9 LEAST, ADDRESSING THE ISSUE. AND THE SOLUTION, THEN,
10 COMES EITHER FROM THEIR OWN INQUIRIES OR COMING TO US FOR
11 HELP. IS THIS A FAIR STATEMENT?

12 MR. SMITH: MR. CHAIRMAN, THAT SOLUTION SHOULD
13 BE REFLECTED IN THE PLAN THAT'S SUBMITTED TO US.

14 CHAIRMAN GALLAGHER: IN THE PLAN ITSELF.

15 BEFORE WE GET OFF THAT PAGE, THERE IS ONE
16 THING THAT I'D LIKE TO RAISE AS AN ITEM. IT'S RIGHT
17 BELOW THAT ITEM C, "AN ESTIMATE OF THE EXTENT OF THE
18 LITTER PROBLEM IN THE COUNTY." I'D LIKE TO ADD TO IT
19 "AND THEIR PLANS FOR ABATING IT."

20 MR. SMITH: IF I JUST MIGHT EXPLAIN, MR.
21 CHAIRMAN. THIS SECTION JUST DEALS WITH IDENTIFYING
22 QUANTITIES OF WASTE. UNDER THE DISPOSAL AND PROCESSING
23 SECTION, WE DO ASK THAT EXISTING AND PROPOSED LITTER
24 CONTROL AND CLEAN-UP PROGRAMS BE IDENTIFIED.

25 CHAIRMAN GALLAGHER: THANK YOU. NOW, IS THERE



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1 ANY OTHER QUESTIONS ON THE ITEM THAT WE CONSIDERED THIS
2 MORNING FROM THE BOARD?

3 BOARD MEMBER BEAUTROW: I JUST WANT TO ASK NOW
4 FOR THE TIMETABLE. I DON'T REMEMBER AT THE OUTSET
5 WHETHER YOU SAID THIS OR NOT. WOULD YOU EXPLAIN THE
6 TIMETABLE ON GETTING THESE THINGS THROUGH THE PROCESS AND
7 WHEN THEY WILL BE -- IF EVERYTHING WENT WELL, WHEN THEY
8 WILL BE IN PLACE?

9 MR. SMITH: GETTING THE REGULATIONS DONE
10 COMPLETED?

11 MR. OLDALL: ACTUALLY, YOU'VE TAKEN ONE OF THE
12 MAJOR TASKS THAT WE'RE GOING TO HAVE TO WORK OUT FOR THE
13 EARLY PART OF NEXT YEAR. THAT IS, THE REGULATIONS THAT,
14 BY LAW, WE HAVE TO HAVE DONE HAVE TO TAKE PRECEDENCE.
15 AND WHAT WE ARE DOING NOW IS LOOKING VERY CAREFULLY WHAT
16 IT'S GOING TO TAKE US TO FINISH UP 2448 EXACTLY ON TIME,
17 AND HOW WE'RE GOING TO FIT IN ALL OF THESE OTHER
18 REGULATIONS THAT WE'RE GOING TO HAVE TO DO. THESE ARE
19 BEHIND THE 2448'S. WE'RE GOING TO HAVE TO HAVE THE
20 WORKSHOPS, THE PUBLIC HEARINGS, AND TO OAL WITH THEM.
21 AND MY GUESS IS THAT IT'S GOING TO BE PROBABLY ABOUT THE
22 MIDDLE PART OF NEXT YEAR, BUT I WOULD REMIND EVERYBODY
23 THAT THE 2448 STUFF HAS GOT TO COME FIRST ACCORDING TO
24 LAW.

25 BOARD MEMBER BEAUTROW: WELL, BECAUSE THIS IS --

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1 LIKE I SAID EARLIER, THE COSWMP PROCESS IS THE MAINSTREAM
2 AND OUR LIFE BLOOD, AND EVERYTHING IS IMPORTANT IN ITS
3 RELATIVE SCHEME OF THINGS; BUT ISN'T THERE SOME WAY THAT
4 WE CAN -- THE VERY NATURE OF WHAT I WAS TALKING ABOUT, AT
5 LEAST, MY OWN INTEREST HERE, IN THIS RESOURCE RECOVERY
6 SECTION HERE, THAT WE'VE GOT TO GET THIS THING GOING AND
7 DO SOMETHING ABOUT IT RIGHT AWAY. AND, TO ME, TO WAIT
8 TILL THE MIDDLE OF NEXT YEAR -- I MEAN, OCTOBER,
9 NOVEMBER, DECEMBER, AND, YOU KNOW, NINE MONTHS FROM NOW?

10 MR. OLDALL: IF WE CAN ESTIMATE WHAT IT TAKES TO
11 GO THROUGH THE OAL PROCESS, I THINK WE TALKED ABOUT THAT
12 THIS MORNING, CATHERINE, DIDN'T WE?

13 MS. CLOSE: THE ESTIMATE OF THE OAL PROCESS.
14 FROM THE TIME OF NOTICE UNTIL THE REGULATIONS ARE
15 EFFECTIVE AS LAW, IF EVERYTHING GOES FAIRLY SMOOTHLY, WE
16 NEED TO FIGURE ABOUT SIX MONTHS. THAT'S FORMAL NOTICE.
17 THAT'S AFTER YOU'VE GONE THROUGH YOUR PRELIMINARY
18 DISCUSSIONS WITH THE FIELD AND HAVE COME UP WITH A DRAFT
19 OF REGULATIONS THAT YOU THINK IS PRETTY MUCH WHAT YOU
20 WANT TO GO WITH. THAT'S YOUR FORMAL PUBLICATION IN THE
21 ADMINISTRATIVE REGISTER.

22 CHAIRMAN GALLAGHER: WITH THE REGULATIONS AS WE
23 NOW HAVE THEM ARE STILL IN FULL FORCE AND EFFECT UP UNTIL
24 THE TIME THEY'RE CHANGED BY THE OAL'S PROCEDURE.

25 MS. CLOSE: RIGHT. IF THE BOARD WERE TO ADOPT

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1 THESE REGULATIONS AND THEN FOR SOME ADMINISTRATIVE
2 PROBLEMS OR DEALINGS WITH OAL, THERE WERE A DELAY IN
3 THEIR BEING EFFECTIVE, THE CURRENT REGULATIONS WOULD
4 CONTINUE EFFECTIVE UP UNTIL THIS ACTION WENT THROUGH. SO
5 THERE WON'T BE A GAP.

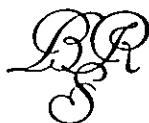
6 CHAIRMAN GALLAGHER: THANK YOU.

7 MR. LARSON: MR. CHAIRMAN, PROGRAMMATICALLY,
8 TOO, FROM THE PLANNER'S PERSPECTIVE OVER HERE ON THIS
9 SIDE OF THE TABLE, THAT'S THE LEGAL INTERPRETATION. WE
10 WOULD HOPE TO HAVE THE OPPORTUNITY TO GO OUT AND TARGET
11 VERY SPECIAL AUDIENCES, PARTICULARLY OUR PLANNING
12 LIAISONS WITH WHOM WE WORK WITH ON THESE COUNTY PLANS AND
13 HOLD A SERIES OF WORKSHOPS.

14 YOU ARE REALLY SEEING THE VERY FIRST CUT AT
15 THE EFFORT TO TAKE A PRODUCT TO THOSE OUT THERE WHO WILL
16 BE ULTIMATELY IMPLEMENTING IT. I DO UNDERSTAND MR.
17 BEAUTROW'S VALID POINT, THAT NOW IS REALLY AN IMPORTANT
18 TIME TO ACT ON THE ISSUES SO THAT WE CAN ESTABLISH THAT
19 INTEREST.

20 BOARD MEMBER BEAUTROW: AT THE VERY LEAST, COULD
21 WE DO THIS: COULD WE PUT OUT A PRESS RELEASE: BOARD
22 CONSIDERING REVISION TO REGULATIONS AND BLAH, BLAH, BLAH,
23 AND, YOU KNOW, HIGHLIGHT IT. THE BOARD IS -- I MEAN,
24 WE'VE GOT TO GET THE MESSAGE OUT SOMEHOW THAT THIS IS IN
25 THE STREAM. WE'RE DOING SOMETHING.

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1 CHAIRMAN GALLAGHER: MR. MOSCONE.

2 BOARD MEMBER MOSCONE: WE ARE REGARDING THIS AS
3 A PUBLIC HEARING AND WORKSHOP?

4 ATTORNEY CONHEIM: THIS IS JUST A WORKSHOP IN
5 THE CONTEXT OF A REGULAR BOARD MEETING.

6 CHAIRMAN GALLAGHER: ANY MORE QUESTIONS FROM
7 MEMBERS OF THE BOARD? NOW, WE'VE ASKED THE PUBLIC, THOSE
8 PEOPLE WHO HAVE BEEN SITTING HERE LISTENING TO US, TO
9 WAIT PATIENTLY AND THEY HAVE DONE SO. NOW IS THE
10 OPPORTUNITY FOR THE PUBLIC TO COME FORWARD AND MAKE THEIR
11 COMMENTS ABOUT WHAT'S TRANSPIRED THIS MORNING.

12 I DO HAVE ONE ITEM. ONE OF THE PEOPLE WHO
13 WAS IN THE AUDIENCE COULD NOT STAY HERE, AND HE HAS GIVEN
14 US SOME WRITTEN COMMENTS, WHICH WE WOULD LIKE TO HAVE
15 READ INTO THE RECORD SO THAT EVERYTHING IS COMPLETE AND
16 ON THE TAPE. MR. CONHEIM RECEIVED THESE COMMENTS; AND
17 I'M GOING TO ASK YOU, MR. CONHEIM, IF YOU WILL, PLEASE
18 READ INTO THE RECORD THE COMMENTS THAT WERE MADE BY MR.
19 MARINO.

20 ATTORNEY CONHEIM: MR. AL MARINO GAVE ME SOME
21 COMMENTS. HE WANTED TO RAISE TWO ISSUES. FIRST, HE'S
22 ASKING WHETHER THERE SHOULD BE SOME RECOGNITION IN THE
23 PLANNING PROCESS OF THE CHANDLER BILL, WHICH WAS SIGNED
24 BY THE GOVERNOR, WHICH SPEAKS TO THE PROBLEM OF TWO-CITY
25 COUNTIES. THE BOARD SUPPORTED THAT BILL, AND HE ASKED

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1 THAT THAT BE GIVEN SOME RECOGNITION IN THE REGULATIONS.

2 I LOOKED UP THE PLACES WHERE THAT MIGHT BE
3 APPROPRIATE; AND ON PAGE 89 OF THE REGULATIONS, THERE IS
4 A REFERENCE TO RESOLUTIONS REPRESENTING THE APPROVAL OF A
5 MAJORITY OF THE CITIES WITHIN THE COUNTY. AND TO THE
6 EXTENT THAT THAT IS INACCURATE WITH THE STATUTE, WE CAN
7 TINKER WITH THAT AND MAKE SURE THAT WE DON'T PUT ANYTHING
8 IN THE REGS WHICH ARE INCONSISTENT WITH THE NEW RULES FOR
9 TWO-CITY COUNTIES. SO WE WILL TAKE A LOOK AT THAT AND
10 APPLY THAT WHERE NECESSARY.

11 THE OTHER ISSUE THAT AL WANTED TO RAISE WAS
12 TAKING A LOOK AT ENVIRONMENTAL DOCUMENTS FOR PLANS, AND
13 IT WAS IN THIS CONTEXT, CEQA, THAT HE FELT THAT THE
14 ENVIRONMENTAL DOCUMENT FOR THE PLAN SHOULD STIPULATE
15 WHETHER OR NOT IN THE SHORT-TERM ALL ANTICIPATED PRIVATE
16 AND PUBLIC DEVELOPMENT WITHIN THE CITIES AND THE COUNTIES
17 CAN ADEQUATELY BE SERVED BY THE DISPOSAL CAPACITY,
18 EXPORT, OR OTHER MEANS THAT IS PLANNED FOR FOR THE
19 FIVE-YEAR PERIOD BEFORE THE NEXT REVISION.

20 THE BOARD COULD THEN REACT TO ENVIRONMENTAL
21 DOCUMENTS SUBMITTED TO THE CLEARING HOUSE FOR
22 DEVELOPMENTS IN THE COUNTIES. AND WHERE THE QUESTION OF
23 HANDLING OF ADDITIONAL WASTE TO BE GENERATED IS NOT
24 SPOKEN TO OR IS CONTRARY TO THE ENVIRONMENTAL DOCUMENT OF
25 THE WASTE MANAGEMENT PLAN, THEN THE BOARD HAS AUTHORITY

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1 OVER -- COULD COMMENT ON THOSE ENVIRONMENTAL DOCUMENTS
2 WITH RELATIONSHIP TO THE WASTE MANAGEMENT PLAN.

3 WHAT HE'S DONE IS HE'S RAISED THAT ISSUE
4 AGAIN ABOUT DEVELOPMENT AND INFRASTRUCTURE, AND THERE ARE
5 A NUMBER OF WAYS TO HANDLE THAT. THERE MAY BE SOME
6 POINTS OF ACCESS EVEN IN THE PLANNING REGULATIONS WHERE,
7 AS A PLANNING ELEMENT, THE COSWMPS SHOULD DEAL WITH, NOT
8 ONLY THE PLANNED-FOR CAPACITY, BUT ITS RELATIONSHIP TO
9 ANALYZED DEVELOPMENT, PUBLIC AND PRIVATE DEVELOPMENT.
10 AND THAT'S NOT SOMETHING WE'VE DONE WITH GREAT DETAIL.

11 AND WE CAN -- OUR REGULATIONS DON'T SPECIFY
12 WHAT HAS TO BE IN THE ENVIRONMENTAL DOCUMENT, BUT I'M NOT
13 EXACTLY SURE HOW TO HANDLE THESE ISSUES, BUT I THINK THEY
14 CAN BE HANDLED. I'VE TYPED THEM UP AND OUR PEOPLE WILL
15 LOOK AT THEM AND TRY AND PUT THEM IN THE RIGHT PLACE OR
16 FOCUS THEM WHERE IT'S POSSIBLE TO DO SO.

17 THOSE ARE THE ISSUES THAT AL MARINO WANTED
18 RAISED WITH REGARD TO THE REGULATION ITEM THIS MORNING.

19 CHAIRMAN GALLAGHER: THANK YOU. MR. LARSON.

20 MR. LARSON: MR. CHAIRMAN, ONE OTHER SET OR
21 RECOMMENDATIONS, WRITTEN COMMENTS WERE RECEIVED THIS
22 MORNING FROM SACRAMENTO COUNTY. MR. GEORGE LYNCH, WHO
23 WAS PRESENT EARLIER THIS MORNING, BUT, UNFORTUNATELY,
24 COULD NOT ATTEND THIS AFTERNOON'S SESSION, LEFT COPIES,
25 WHICH I BELIEVE HAVE RECENTLY BEEN PASSED OUT TO THE

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1, BOARD MEMBERS FOR REVIEW. AND I SPOKE WITH HIM AT SOME
2 LENGTH, AND I'D LIKE TO SUMMARIZE BRIEFLY WHAT HIS
3 CONCERNS WERE AND HOW HIS COMMENTS ARE FRAMED.

4 AND I'LL START OFF BY SAYING THAT HE WAS
5 VERY PLEASED THAT WE ARE REVIEWING THESE REGULATIONS AND
6 IS ALSO PLEASED WITH MOST OF THE RECOMMENDATIONS THAT ARE
7 EMBODIED THEREIN.

8 HOWEVER, HIS MAJOR POINT WAS THAT MOST OF
9 THE TIME CRUNCHES, IF YOU WILL, OR DEADLINES THAT ARE
10 IMPOSED ARE IMPOSED UPON LOCAL GOVERNMENT IN TERMS OF
11 CIRCULATING DRAFT AND FINAL DOCUMENTS TO CITIES AND
12 HAVING ADEQUATE TIME TO GET COMMENTS BACK AND ADEQUATE
13 TIME TO INTEGRATE THOSE COMMENTS WHICH THEY ACCEPT INTO A
14 PLAN. AND SO HE HAS DEVELOPED HERE ON PAGE 1 OF THIS
15 HANDOUT WHAT OUR RECOMMENDATIONS ARE IN THESE DRAFT
16 PLANS, AND ON PAGE 2 WHAT HE WOULD LIKE TO HAVE
17 CONSIDERED. CERTAINLY, I TOLD HIM THAT HIS COMMENTS
18 WOULD BE VERY SERIOUSLY CONSIDERED.

19 I DID POINT OUT TO HIM, THOUGH, THAT A
20 COUPLE OF ITEMS THAT ARE ON THE SECOND PAGE, HIS PROPOSED
21 COMMENTS, ARE BEYOND THE SCOPE OF REGULATORY CHANGE SINCE
22 THEY CALL FOR SOME CHANGES IN STATUTORY LIMITS THAT ARE
23 IN THE CODE RIGHT NOW. AND I SAID THAT WE WOULD
24 CERTAINLY TAKE THESE UNDER CONSIDERATION, AND STAFF -- OR
25 AT THE BOARD'S DIRECTION WILL GET BACK TO HIM AS TO OUR

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1 COMMENTS ON THEM.

2 CHAIRMAN GALLAGHER: FINE. IS THERE ANYONE IN
3 THE AUDIENCE THAT WANTS TO MAKE FURTHER COMMENT ON THE
4 WORK DONE THIS MORNING? I BELIEVE WE COVERED ARTICLES 1
5 THROUGH 5; IS THAT CORRECT, OR DID WE GET CLEAR TO 7?

6 MR. SMITH: WE'RE ALMOST THROUGH 6. WE HAVE A
7 FEW MORE ITEMS ON 6.

8 CHAIRMAN GALLAGHER: IF THERE IS, WILL YOU
9 PLEASE COME FORWARD AND MAKE YOUR COMMENTS? I GUESS WE
10 CAN PICK UP WHERE YOU LEFT OFF AND START OVER AGAIN.

11 SAME PROCEDURE WILL APPLY. WE WILL HOLD
12 OUR COMMENTS UNTIL AFTER WE'VE GONE THROUGH THE ARTICLE
13 AND RECOMMENDATIONS BY STAFF.

14 MR. SMITH: AFTER WE GO THROUGH THE COMPLETE
15 ARTICLE, THEN I'LL ASK FOR QUESTIONS.

16 CHAIRMAN GALLAGHER: WHAT PAGE ARE YOU GOING TO
17 START ON?

18 MR. SMITH: I JUST HAD TO FIND IT MYSELF.

19 MR. OLDALL: 69.

20 MR. SMITH: 69 IS CORRECT.

21 THIS IS SECTION 17136 OF THE REGULATIONS.
22 THIS SECTION DESCRIBES WHAT SHOULD BE IN THE PLAN
23 ADMINISTRATION ELEMENT. WE'VE LOOKED THROUGH THIS
24 CAREFULLY AND FOUND THAT THE PRINCIPAL WEAKNESS IS IT
25 DOESN'T MEET OAL'S CRITERIA FOR CLARITY. SO IT'S BEEN

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1 MAINLY REWRITTEN SO THAT IT IS CLEAR. I DON'T SEE ANY
2 SUBSTANTIVE CHANGES IN THIS SECTION.

3 THE NEXT SECTION ON PAGE 70, SECTION 17137,
4 THIS DESCRIBES HOW THE ECONOMIC FEASIBILITY OF THE PLAN
5 PROGRAM SHALL BE DONE. WE HAVE REVIEWED THIS AND FOUND
6 THAT, FOR THE MOST PART, IT'S ALL RIGHT, BUT THE LANGUAGE
7 NEEDS TO BE CLARIFIED.

8 IN REWRITING IT, WE PUT IN A STATEMENT TO
9 MAKE IT CLEAR THAT THE ECONOMIC FEASIBILITY DONE ON THE
10 PLAN SHOULD BE CLOSELY TIED IN WITH THE PURPOSE, INTENT,
11 PLAN CONTENTS, AND MEASURES TO ACHIEVE OBJECTIVES. WE'VE
12 ALSO MADE THE ANALYSIS FOR THE MID -- MEDIUM TERM A
13 LITTLE CLEARER.

14 NOW, WE'RE ON PAGE 71, SECTION 17138. THIS
15 IS ON THE ENFORCEMENT PROGRAM. THE EXISTING -- AND YOU
16 CAN SEE THE EXISTING GUIDANCE IS ON B, AND IT JUST SIMPLY
17 STATES THAT -- IN THE EXISTING REGULATIONS THAT THE PLAN
18 SHALL LIST ALL THE DESIGNATED LOCAL ENFORCEMENT AGENCIES
19 WITHIN THE COUNTY. WHAT WE HAVE DONE IS GONE THROUGH AND
20 REWRITTEN THAT SECTION SO IT INCLUDES SUCH THINGS AS WHO
21 ARE THE LOCAL ENFORCEMENT AGENCIES IN THE COUNTY.
22 SOMETIMES THERE'S A NUMBER OF THOSE, THE COUNTIES AND THE
23 INCORPORATED CITIES. WE ASKED THEM TO DELINEATE THEIR
24 ENFORCEMENT PROGRAM AND HOW THEY INTEND TO MEET THE
25 REQUIREMENTS OF THOSE PROGRAMS, AND IT ALSO TALKS ABOUT

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1 HOW THEIR DUTIES TIE IN WITH OTHER AGENCIES INVOLVED IN
2 SOLID WASTE ENFORCEMENT.

3 THE BOTTOM OF PAGE 72, SECTION 17139, THIS
4 SECTION DEALS WITH THE PLAN ELEMENT DEALING WITH
5 IMPLEMENTATION. AS YOU RECALL, AWHILE BACK THE
6 LEGISLATURE REQUIRED THAT COUNTY SOLID WASTE MANAGEMENT
7 PLANS HAVE DETAILED IMPLEMENTATION SCHEDULES AND THAT
8 THEY BE TIME SPECIFIC.

9 IN REWRITING THIS ARTICLE, THIS SECTION, WE
10 DID THAT TO MAKE IT COMPLY WITH THAT GOVERNMENT CODE
11 REQUIREMENT. SO NOW WE'VE ALSO MADE SURE THAT THE KEY
12 ELEMENTS FOR EACH TASK ARE SPELLED OUT IN THIS SECTION.
13 AND THAT WOULD BE WHAT IS THE PROGRAM TASK TO BE
14 IMPLEMENTED, THE AGENCIES AND PARTIES RESPONSIBLE FOR
15 IMPLEMENTING, AND APPROXIMATE DATES FOR IMPLEMENTING THE
16 TASKS.

17 MOVING ON TO -- LET'S SEE -- FORMALLY THE
18 CONTINGENCY PLAN -- THE INFORMATION ON THE CONTINGENCY
19 PLAN IN THE EXISTING REGULATIONS WAS TIED IN THE
20 IMPLEMENTATION SECTION OF THE PLAN. WHAT HAPPENED WAS
21 THAT NOT TOO MUCH ATTENTION WAS GIVEN TO THAT, SO WE ARE
22 SUGGESTING THAT WE DEVELOP A SEPARATE REGULATION FOR THE
23 CONTINGENCY PLAN. WE HAVE ALSO ADDED SUDDEN AND
24 UNEXPECTED CLOSURE OF SOLID WASTE FACILITIES AS A
25 CONTINGENCY TO PLAN FOR. THE EXAMPLE IN L.A. HAS MADE US

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1 CHANGE THAT SECTION.

2 THE NEW ELEMENT OF THE GUIDELINES WILL BE
3 THE ELEMENT FOR THE HOUSEHOLD HAZARDOUS WASTE PROGRAM.
4 AS YOU ARE AWARE, AB 1809 REQUIRED THAT IF THE COUNTIES
5 DETERMINED A NEED FOR IT, THAT THE HOUSEHOLD HAZARDOUS
6 WASTE PROGRAM BE IDENTIFIED IN THE COUNTY SOLID WASTE
7 MANAGEMENT PLAN. SO WE HAVE CAREFULLY PREPARED THIS IN
8 CONSULTATION WITH THE PROGRAM STAFF THAT ARE WORKING ON
9 THIS ELEMENT AND HAVE INCLUDED IT HERE.

10 WE ASK THAT THEY HAVE -- SOME OF THE THINGS
11 INCLUDED IN THIS SECTION WOULD INCLUDE A DESCRIPTION OF
12 THE EXISTING AND PROPOSED PROGRAMS, IDENTIFICATION OF
13 THOSE TYPES OF WASTE THAT ARE HOUSEHOLD HAZARDOUS,
14 INDICATION OF PARTIES RESPONSIBLE FOR COLLECTING THESE
15 WASTES, PUBLIC INFORMATION PROGRAMS, SOURCES, AND USE OF
16 WASTE REDUCTION OR RECYCLING USED TO REDUCE THE AMOUNT OF
17 HAZARDOUS WASTE GETTING IN THE CONVENTIONAL WASTE STREAM.

18 THIS CONCLUDES MY COMMENTS ON ARTICLE 6.
19 WE'RE OPEN FOR QUESTIONS FROM ANY BOARD MEMBERS.

20 CHAIRMAN GALLAGHER: OKAY. WE HAVE ENOUGH TIME
21 TO GET THROUGH THAT. WE'LL START DOWN WITH MR. ARAKALIAN
22 AND SEE IF HE HAS ANY COMMENTS THAT HE WANTS TO ADD.

23 MR. BEAUTROW.

24 BOARD MEMBER BEAUTROW: ONLY THE -- AGAIN, THE
25 PERMISSIVE AND THE SHOULD OR SHALL. YOU'LL SEE THAT

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1 THROUGHOUT THESE. THANK YOU.

2 CHAIRMAN GALLAGHER: MRS. BREMBERG.

3 BOARD MEMBER BREMBERG: THAT WAS -- MR. BEAUTROW
4 TOOK CARE OF MINE.

5 CHAIRMAN GALLAGHER: GOLLY. WE'RE MOVING RIGHT
6 ALONG.

7 MR. BROWN? MR. CALLOWAY?

8 BOARD MEMBER CALLOWAY: ONE THING. IS THERE ANY
9 WAY TO SET NUMBER OF TIMES THAT WE REQUIRE, LIKE -- IN
10 OTHER WORDS, WE REQUIRE INSPECTIONS OF LANDFILLS, OKAY?
11 CERTAIN EVERY, WHAT, TWO OR THREE YEARS, WHATEVER IT IS.
12 IS THERE ANY WAY TO SET A NUMBER OF TIMES OR MINIMUM
13 REQUIREMENTS THAT COUNTIES WILL DEAL WITH HOUSEHOLD
14 HAZARDOUS? IN OTHER WORDS, SHOULD THEY DEAL WITH IT EACH
15 YEAR? ONCE A YEAR? ONCE EVERY FIVE YEARS?

16 MR. SMITH: I CAN GIVE YOU SOME BACKGROUND. THE
17 REQUIREMENT TO INCLUDE THIS PARTICULAR ELEMENT IN THE
18 PLAN IS UNIQUE IN THAT WHEN THE LEGISLATURE WROTE IT, IT
19 SAID, "IF THE COUNTY DETERMINES A NEED." WITH ALL THE
20 OTHER ELEMENTS, THIS BOARD HAS THE DISCRETION ON WHAT
21 ELEMENTS SHOULD BE REVISED. THE WAY THAT LEGISLATION WAS
22 WORDED, IT SAYS IF THE COUNTY DETERMINES THE NEED. SO
23 THEY HAVE TO DETERMINE THE NEED BEFORE WE CAN START --
24 BEFORE WE CAN REVIEW THE PLAN THAT HAS IT IN IT.

25 BOARD MEMBER CALLOWAY: I'M CONCERNED BECAUSE.

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1 YOU SEE, IF WE DON'T DO IT, SOMEBODY'S GOING TO DO IT FOR
2 US. AND WE'RE EITHER GOING TO GET THE LEGISLATORS TO DO
3 IT, WE'RE GOING TO GET IT THROUGH THE INITIATIVE PROCESS,
4 OR SOMETHING. AND I'D JUST LIKE TO SEE LOCAL GOVERNMENT
5 AND US DEAL WITH IT BEFORE SOMEBODY ELSE STARTS TO STICK
6 THEIR BIG NOSE INTO IT, AND WE MIGHT LIKE THE WAY THEY'RE
7 GOING TO PROPOSE THAT WE HAVE TO DO IT. AND THOSE ARE MY
8 CONCERNS. THANK YOU.

9 CHAIRMAN GALLAGHER: ANYTHING ELSE? THANK YOU.
10 THE BOARD HAS NOW CONCLUDED THEIR COMMENTS. ARE THERE
11 ANY COMMENTS FROM THE PUBLIC ON THE LAST PART OF THE
12 ARTICLES? HEARING NONE, WE'RE READY TO MOVE RIGHT AHEAD.
13 WE HAVE AT LEAST ANOTHER HALF AN HOUR WE CAN WORK ON IT.

14 MR. SMITH: RIGHT. IN THIS WE'RE GOING TO BE
15 DEALING WITH ARTICLE 7, WHICH DESCRIBES THE PROCEDURES
16 FOR PREPARING, REVIEWING, AND APPROVING COUNTY PLANS,
17 PLAN REVIEW REPORTS, AND COSWMP REVISIONS.

18 WE, ALSO, IN ARTICLE 8 WILL BE DEALING WITH
19 THE SECOND ARTICLE, ARTICLE 8, WHICH PRESCRIBES THE
20 PROCEDURES FOR PREPARING, REVIEWING, AND APPROVING COUNTY
21 PLAN AMENDMENTS. AFTER DEALING WITH THESE TWO ELEMENTS
22 FOR ABOUT NINE YEARS AND HAVING TO ADVISE COUNTY ON HOW
23 TO PREPARE THE VARIOUS PLAN DOCUMENTS, I FOUND THAT
24 THERE'S A LOT OF CONFUSION OUT THERE HAVING TWO SEPARATE
25 ARTICLES THAT DEAL WITH TWO DIFFERENT TYPES OF PLAN

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1 DOCUMENTS. AND, ALSO, IN BOTH ARTICLES THE SEQUENCING
2 ISN'T REALLY SPELLED OUT THAT CLEARLY. SO THAT WAS A
3 PROBLEM I HAD FOUND WITH BOTH OF THE SECTIONS.

4 SO TO TAKE CARE OF THE FIRST PROBLEM, WE'RE
5 SUGGESTING THAT THE TWO SECTIONS BE COMBINED, THAT THE
6 SAME PROCEDURES FOR THE PLAN AMENDMENT APPLY TO THE PLAN
7 REVISION SO THAT IT'S ALL IN ONE PLACE AND PEOPLE AREN'T
8 GETTING CONFUSED WHICH ARTICLE THEY'RE SUPPOSED TO BE
9 READING.

10 SO THE FIRST SECTION FOR THIS ARTICLE,
11 THEN, BASICALLY LAYS THAT GROUNDWORK. IT ALLOWS ARTICLE
12 7 TO APPLY TO ALL PLAN REVISION, ALL PLAN COSWMP
13 DOCUMENTS, THE AMENDMENTS AND REVISIONS.

14 I JUST WANT TO POINT OUT BEFORE GETTING
15 INTO THIS THAT THERE ARE SOME DISTINCTIONS BETWEEN THE
16 PROCEDURES FOR PREPARING ORIGINAL PLANS AND REVISIONS AND
17 AMENDMENTS, AND ONE OF THEM IS THAT THE EXISTING
18 PROCEDURES FOR PREPARING PLAN AMENDMENTS DO NOT ALLOW FOR
19 ANY CITY REVIEW OF THE DRAFT PLAN.

20 ALSO, THE ARTICLE GOVERNING PLAN AMENDMENTS
21 DOESN'T HAVE A TIME FOR THE COUNTIES TO RESUBMIT.
22 THERE'S NOT A SPECIFIED TIME FRAME FOR THE COUNTIES TO
23 RESUBMIT THEIR DEFICIENT PLAN AMENDMENTS. AND THE OTHER
24 DIFFERENCE IS THE REVIEW PERIOD FOR THE DRAFT COSWMP
25 AMENDMENT IS 30 DAYS. THE REVIEW PERIOD FOR PLAN

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1 REVISION IS BETWEEN 30 AND 60. SO THOSE ARE THE MAIN
2 DIFFERENCES.


3 SO, AGAIN, THE FIRST SECTION WOULD SPELL
4 OUT CLEARLY THAT IT'S THE INTENTION OF THIS ARTICLE THAT
5 THIS ARTICLE WILL APPLY TO ALL PLAN DOCUMENTS. ALL THESE
6 PROCEDURES APPLY TO ALL PLAN DOCUMENTS. AND THAT'S ON
7 PAGE 77.

8 NOW, GOING THROUGH THE REST OF THE
9 SECTIONS, STARTING WITH PAGE 77, SECTION 17140, THIS
10 DEALS WITH THE BOARD OF SUPERVISORS' ROLE IN PREPARING
11 THE PLAN. THIS SECTION DEALS WITH THE BOARD OF
12 SUPERVISORS' ROLE IN PREPARING THE PLAN. THIS, AGAIN, IS
13 DUPLICATING WHAT IS ALREADY IN THE GOVERNMENT CODE AND
14 VIOLATES OAL'S CRITERIA FOR NONDUPLICATION.

15 SO THIS IS SIMILAR TO THE ONE WE'VE SEEN
16 ALREADY. WE'RE SAYING AT THIS POINT THAT IT BE DELETED,
17 BUT WE'LL TAKE INTO CONSIDERATION YOUR COMMENTS YOU MADE
18 ON THAT OTHER SECTION BEFORE BEING FIRM ON THAT.

19 EXISTING SECTIONS 17141 AND SECTION 17152,
20 THESE TWO SECTIONS DEAL WITH THE COUNTIES' PREPARATION
21 AND SUBSEQUENT BOARD ACTION ON THE PLAN REVIEW REPORT.
22 THESE EXISTING SECTIONS ARE UNCLEAR ABOUT WHAT THE
23 BOARD'S ACTUAL ROLE IS DURING THE TIME THAT THE COUNTY IS
24 PREPARING THAT PLAN REVIEW REPORT. ALSO, THE EXISTING
25 SECTION IS UNCLEAR ON WHO REALLY DETERMINES THE NEED FOR

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1 A REVISION. IT'S NOT CLEARLY SPELLED OUT THERE, THE
2 BOARD, THE COUNTY, OR BOTH. AND IT'S UNCLEAR WHEN THE
3 REPORT IS TO BE SUBMITTED. EXISTING CODE JUST SAYS
4 BEFORE THE THIRD ANNIVERSARY. THAT COULD BE ONE YEAR,
5 TWO YEARS, OR ON THE THIRD YEAR.

6 ALSO, THE EXISTING REGULATION WHICH SPELLS
7 OUT THE REQUIREMENTS FOR THE PLAN REVIEW REPORT HAS LEFT
8 OUT ONE WHICH WE CONSIDER SIGNIFICANT PLAN REVIEW AREA,
9 AND THAT'S CHANGES IN SOLID WASTE LAW AND REGULATIONS.
10 TO ME THOSE DO TRIGGER CHANGES IN THE PLAN THAT SHOULD BE
11 CONSIDERED.

12 ALSO, RIGHT NOW, EXISTING REGULATIONS
13 REQUIRE THAT TIME SCHEDULES FOR PLAN REVISIONS BE
14 SUBMITTED AT THE TIME THE COUNTY SUBMITS THEIR PLAN
15 REVIEW REPORT. SINCE THERE IS A LAG TIME FROM THE TIME
16 THE REPORT IS RECEIVED UNTIL WE ACT ON IT, IT MIGHT BE
17 MORE APPROPRIATE TO HAVE THAT TIME SCHEDULE SUBMITTED
18 AFTER THE BOARD HAD TAKEN ACTION ON THE PLAN REVIEW
19 REPORT.

20 BOARD MEMBER BREMBERG: OUR BOARD OR THEIR
21 BOARD?

22 MR. SMITH: AFTER OUR BOARD TOOK ACTION, THIS
23 BOARD TOOK ACTION ON IT, YES, ACCEPTED THE PLAN REVIEW
24 REPORT.

25 BOARD MEMBER BREMBERG: IF THE COUNTY GOES OUT

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1 OF SYNC, WHAT THEN? IF THEIR TIMETABLE GETS OUT OF SYNC,
2 LIKE IT DOES NOW, HAVE WE ACCOMPLISHED ANYTHING BY
3 CHANGING IT?

4 MR. SMITH: WELL, THE -- LIKE I SAY, BECAUSE
5 WHAT WE DO NORMALLY IS IF -- WHAT WE COULD DO IS ASK THEM
6 TO SUBMIT ANOTHER TIMETABLE. AND I WAS JUST THINKING
7 MORE IN TERMS OF ELIMINATING ANY UNNECESSARY TASKS, BUT
8 IT STILL CAN BE DONE THAT WAY. I THINK IT WOULD PROBABLY
9 MAKE MORE SENSE TO WAIT UNTIL AFTER WE HAD MADE A
10 DECISION WHETHER THERE'S A NEED TO REVISE AFTER WE'VE
11 TAKEN ACTION ON THAT.

12 SO THE REVISED REGULATION WOULD THEN
13 ESTABLISH A TIME WHEN THE PLAN REVIEW REPORT SHOULD BE
14 PREPARED. WE SAY 90 DAYS PRIOR TO THE THIRD ANNIVERSARY.

15 WE ALSO HAVE ADDED CHANGES IN SOLID WASTE
16 LAWS AND REGULATIONS AS AN AREA THAT MUST BE LOOKED AT
17 WHEN THEY'RE CONSIDERING REVISING -- WHEN THEY REVIEW
18 THEIR PLAN. AND, AGAIN, WE'RE ASKING -- IN THE REVISED
19 LANGUAGE, WE MAKE IT CLEAR THAT THIS BOARD WILL DETERMINE
20 WHICH AREAS ARE NECESSARY FOR REVISION AND ASK THAT A
21 TIME SCHEDULE BE SUBMITTED 30 DAYS AFTER THE BOARD ACTS
22 ON THE PLAN REVIEW REPORT.

23 MOVING ON TO -- MOVING TO PAGE 81, EXISTING
24 SECTION 17142, THIS SECTION DEALS WITH THE PARTICIPATION
25 OF THE VARIOUS GROUPS DURING THE PREPARATION OF THE PLAN

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1 AND PLAN REVISION. AFTER LOOKING AT THIS SECTION, WE
2 FELT THAT IT MAY BE PROVIDING MORE DETAIL THAN IS
3 NECESSARY. WE MAY BE, PERHAPS, TYING THE COUNTIES' HANDS
4 IN TERMS OF GIVING THEM TOO MUCH GUIDANCE. SO WHAT WE
5 HAVE SUGGESTED IS THAT SOME OF THE UNNECESSARY DETAIL BE
6 TAKEN OUT, AND THE COUNTY BE GIVEN A LITTLE MORE
7 FLEXIBILITY IN DECIDING WHETHER IT'S A COMMITTEE OR HOW
8 THE VARIOUS PEOPLE WILL PARTICIPATE IN THE METHODS USED.

9 MOVING TO SECTION 17143, THIS ONE DEALS
10 WITH HOW THE PUBLIC IS TO BE INFORMED DURING THE
11 PREPARATION OF THE PLAN DOCUMENT. THE EXISTING
12 REGULATION IS VERY CLEAR ABOUT ONE METHOD, AND THAT'S
13 THROUGH THE MASS MEDIA. AND THEN IT STATES THAT "OR
14 OTHER SUITABLE MEANS," AND THAT WILL PROBABLY NOT MEET
15 THE OFFICE OF ADMINISTRATIVE LAW'S CRITERIA FOR CLARITY.

16 WE -- WHEN WE REVIEWED THIS SECTION, WE
17 TRIED TO LOOK AT THE DIFFERENT FEASIBLE METHODS THAT THE
18 COUNTY COULD USE, AND THE OTHER ONE THAT WE CAME UP
19 WITH -- WE'RE OPEN TO SUGGESTIONS ON THIS -- IS THROUGH
20 PUBLIC MEETINGS. THAT WOULD BE THE OTHER FORUM THAT
21 COULD BE USED. SO THE REVISED REGULATION WOULD STRIKE
22 OUT THE OTHER MEANS AND PUT IN ITS PLACE PUBLIC MEETINGS.
23 SO THERE WOULD BE TWO FORUMS, NEWS MEDIA AND PUBLIC
24 MEETINGS.

25 TURNING TO PAGE 83, WE'RE TALKING NOW ABOUT



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1 THE SECTIONS THAT ARE RELATING TO THE REVIEW OF THE DRAFT
2 DOCUMENTS, THE DRAFT OF COUNTY SOLID WASTE MANAGEMENT
3 PLAN DOCUMENTS. EXISTING SECTION 17145 TALKS ABOUT THE
4 SUBMITTAL OF THE DRAFT DOCUMENTS TO THE CITIES AND THE
5 REQUIRED REVIEW TIME.

6 WE FOUND IN REVIEWING THIS SECTION THAT THE
7 EXISTING 30 TO 60 DAYS -- WELL, WE'RE NOT COMFORTABLE
8 WITH THE 30 TO 60 DAYS. THIRTY DAYS IS USUALLY TOO SHORT
9 A TIME IN WHICH TO REVIEW AND 60 DAYS IS TOO LONG. SO
10 WHAT WE'RE SUGGESTING IN THE REVISED REGULATION IS ALLOW
11 THE CITIES UP TO 45 DAYS IN WHICH TO REVIEW THE DOCUMENT.

12 TURNING TO THE NEXT SECTION ON PAGE 84,
13 17148, THIS DEALS WITH THE COUNTIES' SUBMITTAL OF THE
14 DRAFT PLAN TO THE REGIONAL PLANNING AGENCIES. IT SPELLS
15 OUT WHEN THAT AGENCY WILL PREPARE ITS COMMENTS AND WHO
16 THEY WILL SEND THEM TO.

17 AGAIN, THE -- THERE'S THE SAME 30- TO
18 60-DAY REVIEW PERIOD. WE, AGAIN, FEEL THAT THAT SHOULD
19 PROBABLY BE CHANGED TO 45 DAYS. THE OTHER WEAKNESS WE
20 SEE WITH THIS SECTION IS WE THINK IT SHOULD BE EXPANDED
21 TO INCLUDE ALL STATE AND LOCAL AGENCIES WITH THE RELATED
22 WATER QUALITY AND AIR QUALITY PLANS SO THAT WE'RE SURE
23 THAT THEY HAVE AN OPPORTUNITY TO COMMENT. AND THE TIMING
24 OF THEIR COMMENTS WOULD CORRESPOND WITH WHEN IT WAS
25 CIRCULATED TO THE CITIES. SO IT WOULD BE THE SAME TIME

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1 FRAME.

2 TURNING TO PAGE 85, SECTION 17151, THIS
3 DEALS WITH THE SUBMISSION OF THE DRAFT TO THIS BOARD.
4 THERE'S A SIMILAR -- THE REVIEW TIME, AGAIN, IS THE SAME
5 PROBLEM IT WAS FOR THE CITIES AND THE REGIONAL AGENCIES.
6 WE'RE ASKING THAT THAT 30 TO 60 DAYS, AGAIN, BE CHANGED
7 TO 45 DAYS.

8 MOVING ON TO THE SECTIONS OF THIS ARTICLE
9 THAT DEAL WITH REVIEW AND APPROVAL OF PLAN DOCUMENTS,
10 PAGE 86, EXISTING SECTION 17144.

11 BOARD MEMBER BREMBERG: IN THE FIRST SENTENCE,
12 ADD AN S ON DESCRIBE.

13 MR. SMITH: RIGHT. THANK YOU.

14 THIS SECTION DESCRIBES THE PUBLIC NOTICE
15 PROCEDURES THAT THE COUNTY MUST COMPLY WITH WHEN THEY
16 CONSIDER APPROVAL OF THE PLAN DOCUMENT. AS YOU ARE
17 AWARE, THE NOTICE ISSUE CAME UP WHEN THE L.A. REVISION
18 WAS BEING CONSIDERED. AT THAT POINT, MANY PEOPLE WERE --
19 EXPRESSED THE CONCERN THAT THE NOTICE WAS GIVEN TOO FAR
20 IN ADVANCE. SO TO TAKE CARE OF THAT PROBLEM, WE'RE
21 RECOMMENDING THAT AN UPPER LIMIT BE PUT ON WHEN THAT
22 NOTICE MUST BE GIVEN.

23 BOARD MEMBER BREMBERG: MR. CHAIRMAN, THE
24 DOWNSIDE OF THAT IS THAT THE NEXT TIME THEY'LL SAY YOU
25 DIDN'T HAVE ENOUGH NOTICE AND DIDN'T HAVE TIME TO

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1 PREPARE.

2 MR. SMITH: SO THAT WOULD BE THE CHANGE FOR THIS
3 REGULATION.

4 TURNING TO PAGE 87, THIS SECTION DEALS WITH
5 THE SUBMITTAL OF THE FINAL DRAFT DOCUMENT TO THE CITIES
6 FOR APPROVAL. ONE OF THE PROBLEMS OF THIS SECTION IS
7 THAT IT DOESN'T SPECIFICALLY STATE WHEN THE COUNTY DOES
8 SUBMIT THIS PLAN TO THE CITIES. AND SO WE ARE
9 RECOMMENDING THAT THIS SECTION BE REVISED TO STATE "PRIOR
10 TO THE ADOPTION," THAT PRIOR TO THE ADOPTION THAT THIS
11 DOCUMENT BE SENT TO THE CITIES.

12 SECTION 17147, THIS DEALS WITH THE -- OKAY.
13 THIS DEALS WITH THE TIME LIMIT IN WHICH CITIES HAVE TO
14 APPROVE PLAN DOCUMENTS. IT ALSO DESCRIBES THE METHODS IN
15 WHICH THEY CAN APPROVE A PLAN.

16 BOARD MEMBER BREMBERG: ADD AN N ON THE ONE,
17 TWO, THREE, FOURTH LINE "CONCERNING."

18 MR. SMITH: YES.

19 THREE EXISTING METHODS INCLUDES CITY CAN
20 WAIT 90 DAYS AND TAKE NO ACTION. THEN THERE ARE TWO
21 METHODS THAT DISCUSS HOW THEY CAN PASS A RESOLUTION. ONE
22 FORM THE RESOLUTION CAN BE IN IS THAT IT HAS FOUR
23 SPECIFIC FINDINGS ABOUT THE PLAN. THE OTHER IS THAT THEY
24 CAN JUST PASS A RESOLUTION. SO THEY HAVE ANY OF THOSE
25 OPTIONS.

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1 IN REVIEWING THIS SECTION, WE WEREN'T QUITE
2 CLEAR WHY THERE ARE TWO WAYS TO ENACT OR PREPARE THE
3 RESOLUTION. AND WHAT WE FOUND IS THAT MOST COUNTIES
4 SIMPLY PASS A RESOLUTION WITHOUT THE FINDINGS.

5 WE DON'T SEEM TO SEE ANY DIFFERENCE BETWEEN
6 WHETHER THEY HAVE THE DETAILED FINDINGS OR NOT, WHETHER
7 IT MAKES THE PLAN ANY DIFFERENT OR THE APPROVAL PROCESS
8 ANY DIFFERENT. WHAT WE'RE RECOMMENDING IS THAT THE
9 DETAILED FINDINGS BE DELETED FROM THE RESOLUTION, THAT
10 THAT FORM OF APPROVAL BE DELETED FROM THE REGULATIONS.

11 TOP OF PAGE 88 -- WAIT, LET'S SEE -- BOTTOM
12 OF PAGE 87, TOP OF PAGE 88, THIS -- NO, I WENT THROUGH
13 CITIES. I'M SORRY. TOP OF PAGE 89 -- I'M SORRY.

14 TOP OF PAGE 90, SECTION 17149, THIS SECTION
15 DESCRIBES HOW THE FINAL DRAFT IS CIRCULATED TO THE
16 REGIONAL PLANNING AGENCY. IT ALSO SPECIFIES THE TIME
17 LIMIT IN WHICH THEY HAVE TO COMMENT AND WHO THEY ARE TO
18 SEND THE COMMENTS TO.

19 ALSO, THIS -- OKAY. THE PROBLEM WE FOUND
20 WITH THIS REGULATION, WE FELT THAT PROBABLY THE PLAN
21 DOCUMENT SHOULD BE SENT TO THE REGIONAL AGENCIES AT THE
22 SAME TIME IT IS SENT TO THE CITIES INSTEAD OF WAITING FOR
23 A LATER TIME RIGHT BEFORE THE FINAL DRAFT IS SUBMITTED TO
24 OUR BOARD. ALSO, WE -- WE'D ALSO LIKE TO USE THIS
25 SECTION TO INCLUDE OTHER AGENCIES THAT SHOULD ALSO HAVE A

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1 LOOK AT THE FINAL DRAFT. AND THOSE WOULD INCLUDE THE
2 AGENCIES RESPONSIBLE FOR PREPARING THE WATER QUALITY AND
3 AIR QUALITY PLANS.

4 ALSO, WE WOULD -- ALSO, IN MAKING THE TIME
5 FRAME FOR SUBMITTAL, COMPARED WITH THAT OF THE CITIES,
6 WE'RE ASKING THAT THE REGIONAL AGENCIES BE GIVEN THE SAME
7 TIME FRAME IN WHICH TO -- NO, THEY'RE THE ONES WITH THE
8 TIME FRAME -- I'M SORRY. WE'RE NOT CHANGING THE TIME
9 FRAME. I'M SORRY. WE'RE JUST CHANGING THE TIME IN WHICH
10 THE BOARD OF SUPERVISORS SUBMIT THE PLAN TO THE REGIONAL
11 AGENCY, AND THAT WOULD BE AT THE TIME THAT IT'S SENT TO
12 THE CITIES.

13 PAGE 91, SECTION 17150 AND 17152, THESE
14 TWO -- THESE ARE TWO RELATED SECTIONS. SECTION 17150
15 DESCRIBES HOW A COUNTY MUST APPROVE A PLAN DOCUMENT.
16 SECTION 17151 DESCRIBES WHAT THE COUNTY DOES ONCE THEY
17 HAVE AN APPROVED DOCUMENT AND THE REQUIREMENTS THAT THEY
18 MUST MEET TO PROPERLY SUBMIT THAT DOCUMENT TO OUR BOARD.

19 GETTING BACK TO THE COUNTY APPROVAL
20 PROCESS, IT'S A SIMILAR APPROVAL PROCESS THAT IT IS FOR
21 THE CITIES, AND THERE'S THREE METHODS. AND IN REWRITING
22 THIS REGULATION, WE'RE RECOMMENDING THAT THE DETAILED
23 FINDINGS FOR THE RESOLUTION, AGAIN, BE TAKEN OUT FOR THE
24 COUNTIES. ALSO, THE COUNTIES ARE REQUIRED TO PROVIDE A
25 LOT OF DETAIL IN TERMS OF DOCUMENTING WHETHER OR NOT THE

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1 CITIES RECEIVED THEIR PLANS AND HAD THEM FOR 90 DAYS.

2 WE FEEL, IN SOME INSTANCES, THAT THAT
3 ALMOST COULD BE CONSIDERED OVER-REGULATION, SO WE'RE
4 RECOMMENDING THAT THE EXTRA DETAIL BE DELETED IN THIS
5 EXISTING SECTION.

6 THE MOST IMPORTANT ISSUE, THOUGH, THAT
7 NEEDS TO BE CONSIDERED HERE BY YOU IS THE TIME FOR
8 COMPLETING PLAN REVISIONS. STAFF HAS SPENT A LOT OF TIME
9 LOOKING AT THAT. THE BOARD APPOINTED AN AD HOC COMMITTEE
10 IN AUGUST OF 1986 THAT ALSO LOOKED AT THOSE
11 RECOMMENDATIONS.

12 WHAT STAFF AND THAT COMMITTEE HAVE FOUND IS
13 THAT THERE HAVE ONLY BEEN -- THERE'S ONLY BEEN ONE COUNTY
14 THAT HAS BEEN ABLE TO MEET THE 270-DAY TIME FRAME. AND
15 IN THAT CASE THEY ABBREVIATED THE REVIEW OF THE DRAFT SO
16 THEY COULD MEET THE 270 DAYS.

17 WHAT WE ARE RECOMMENDING IS THAT THE TIME
18 FRAME BE EXTENDED TO A YEAR. WE FEEL THAT THAT'S
19 PROBABLY THE MORE REASONABLE TIME TO GET IT COMPLETED
20 BECAUSE THE REVIEW TIME IS OVER A HUNDRED -- REVIEW TIME
21 OF THAT DOCUMENT IS OVER 150 DAYS; SO WHEN YOU TAKE THAT
22 AWAY FROM THE 270, THERE ISN'T MUCH TIME TO PREPARE A
23 DOCUMENT AND TO GET ALL THE REQUIRED INPUT FROM THE
24 INVOLVED PARTIES.

25 NOW, THERE WAS ONE ADDITIONAL



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1 RECOMMENDATION MADE BY THE AD HOC COMMITTEE. THEY WERE
2 SUGGESTING THAT THE BOARD, AGAIN -- THAT WE PUT IN
3 REGULATION, GIVING THE COUNTIES AN OPPORTUNITY, IN
4 LIMITED CIRCUMSTANCES, BE GIVEN TIME EXTENSIONS. THEY
5 WOULD BE GIVEN TIME EXTENSIONS IF THE COUNTY BOARD OF
6 SUPERVISORS COULD SHOW GOOD REASON FOR ADDITIONAL TIME,
7 AND THAT THE BOARD OF SUPERVISORS SHOWED A VERY DEFINITE
8 COMMITMENT IN TERMS OF RESOURCES FOR COMPLETING THAT PLAN
9 IN THE TIME REQUIRED.

10 STAFF HAS CAREFULLY EVALUATED THAT
11 PROPOSAL, BUT FEEL THAT IT MAY JUST BE ANOTHER
12 OPPORTUNITY TO ENTERTAIN TIME EXTENSIONS BECAUSE MANY OF
13 THE TIME EXTENSIONS WE DID RECEIVE APPEARED TO HAVE GOOD
14 JUSTIFICATION, AT LEAST, ON PAPER. SO I THINK THE
15 PREFERRED METHOD WOULD BE --

16 BOARD MEMBER BREMBERG: SO DID CONTRA COSTA ON
17 PAPER?

18 MR. SMITH: I THINK THE PREFERRED METHOD WOULD
19 BE IS WHY DON'T WE TRY OUT THE YEAR TO SEE IF THAT WORKS
20 BEFORE WE ENTERTAIN TIME EXTENSIONS.

21 SO THE NEW REGULATION RELATING TO THE
22 ONE-YEAR PREPARATION TIME IS D ON PAGE 93. AND THEN THAT
23 THERE'LL BE A NEW SECTION THAT SPELLS OUT HOW THE BOARD
24 OF SUPERVISORS APPROVES THE PLAN AND THE DOCUMENTATION
25 THAT MUST ACCOMPANY THE PLAN WHEN IT'S SUBMITTED TO US.

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1 THE LAST TWO SECTIONS OF THIS ARTICLE AND
2 ITEM DEAL WITH EXISTING SECTIONS 17164 AND 17165. 17164
3 DESCRIBES THE PROCEDURE WHEREBY THIS BOARD APPROVES THE
4 PLAN DOCUMENTS; IT SPECIFIES THE TIME PERIOD IN WHICH
5 THIS BOARD MUST APPROVE THOSE DOCUMENTS. 17165 DESCRIBES
6 THE ROLE OF THE COUNTY AND THE BOARD WHEN A PLAN DOCUMENT
7 IS DISAPPROVED, AND IT SPELS OUT THE PROCEDURES FOR
8 RESUBMITTING PREVIOUSLY DISAPPROVED PLAN DOCUMENTS.

9 IN GOING THROUGH OUR REVIEW OF THESE TWO
10 SECTIONS, WE DIDN'T SEE ANY SUBSTANTIVE CHANGES NEEDED.
11 WE DID, HOWEVER, SEE SOME NEED TO CLARIFY WHAT'S ALREADY
12 IN THESE TWO SECTIONS.

13 THOSE CONCLUDE MY COMMENTS ON ARTICLE 7 AND
14 8, AND I ENTERTAIN YOUR COMMENTS.

15 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.
16 BEFORE WE ADJOURN, WE'RE GOING TO HAVE AN OPPORTUNITY TO
17 MAKE SOME COMMENTS, AND I'M GOING TO ASK -- SINCE MR.
18 VARNER ONE WHO HAS TO BE IN THIS NEXT MEETING, TO START
19 OFF WITH YOU.

20 DO YOU HAVE ANY COMMENTS ON THE LAST
21 SECTION?

22 BOARD MEMBER VARNER: NO, I DON'T.

23 CHAIRMAN GALLAGHER: MR. BEAUTROW, YOU ARE ON.

24 BOARD MEMBER BEAUTROW: GOING BACK TO 17160 ON
25 PAGE 89, ALL OF THE THINGS THAT YOU CROSSED OUT FROM WHAT

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1 THE CITIES HAD TO DO, THE FOUR POINTS AND THE RESOLUTION
2 AND EVERYTHING, I REMEMBER WHY THIS WAS PUT IN HERE, AND
3 YOU DO THE SAME THINGS WITH THE COUNTIES. IT'S TO
4 SOMEHOW OR OTHER IMPRESS ON THE CITIES, IF YOU CAN, THAT
5 THEY'RE BUYING INTO SOMETHING RATHER THAN JUST TACITLY
6 APPROVING A RESOLUTION THAT DOESN'T SAY ANYTHING. SO
7 THAT WAS THE REASON FOR IT, AND IT'S THE SAME LANGUAGE.

8 AND, ALSO, I WOULD THINK IF THE COUNTY
9 FURNISHED THE CITIES A SAMPLE RESOLUTION, THE CITIES
10 WOULD SAY, "FINE." I MEAN, THEY'RE ALL LOOKING FOR SOME
11 HELP. SO I DON'T SEE THAT THAT'S AN INSURMOUNTABLE
12 OBSTACLE. QUITE FRANKLY, I DON'T KNOW WHETHER IT'S GOING
13 TO HELP. THAT'S KIND OF SEMANTICS. IN THIS YOU SAY THAT
14 A MAJORITY OF THE CITIES, AND SOMEHOW OR OTHER SHOULDN'T
15 WE PROVIDE A TABULAR FORM OR SAY IN THERE "THEY SHALL
16 SUBMIT A TABULATION OF ALL THE --

17 MR. SMITH: IT SHOULD STILL BE IN THERE, YES.
18 BASED ON THE DEPARTMENT OF FINANCE FIGURES, THEY SHOW
19 THAT THEY HAVE A MAJORITY OF THE CITIES AND THEY
20 REPRESENT A MAJORITY OF THE POPULATION.

21 BOARD MEMBER BEAUTROW: IT HAS BEEN YOUR
22 EXPERIENCE, WHEN YOU REVIEW ALL OF THE MATERIAL THAT
23 COMES IN, THAT THE CITIES DON'T -- IN THE MAJORITY OF THE
24 RESOLUTIONS THAT ARE ATTACHED DON'T -- OR RESOLUTIONS
25 APPROVING OR SUPPORTING OR --

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1 MR. SMITH: THEY DON'T HAVE THE ONE THAT HAS THE
2 DETAILED FOUR FINDINGS. WHAT WE MAY WANT TO DO, THOUGH,
3 IS, YOU KNOW, HAVE -- JUST KEEP IN THE ONE WHERE WE
4 SPECIFY THE FINDINGS BECAUSE THE WAY IT IS RIGHT NOW,
5 THEY CAN EITHER DO ONE OR THE OTHER; AND IF THEY CAN
6 ALWAYS DO THE OTHER, THEN THEY'LL DO THE OTHER.

7 BOARD MEMBER BEAUTROW: I'M SAYING, AGAIN, THEY
8 WOULD LOOK FOR HELP. IF YOU WILL GIVE THEM -- OR ASK THE
9 COUNTY TO GIVE THEM A SAMPLE RESOLUTION, I'M SURE THEY'LL
10 BE HAPPY TO DO IT. THAT'S THE ONLY COMMENT.

11 BOARD MEMBER BREMBERG: AND, MR. CHAIRMAN, THE
12 CITIES OFTEN WILL DISCUSS THESE FOUR ITEMS; BUT BECAUSE
13 THEY HAVE THE SHORT FORM, THEY'LL ADOPT THE SHORT FORM.
14 BUT THESE FINDINGS ARE VERY OFTEN DISCUSSED WHILE THE
15 PLAN IS ON THE AGENDA. OF COURSE, THERE'S SOME CITIES
16 DON'T PUT IT ON THE AGENDA.

17 CHAIRMAN GALLAGHER: ANYTHING FURTHER, MR.
18 BEAUTROW?

19 BOARD MEMBER BEAUTROW: THANK YOU.

20 CHAIRMAN GALLAGHER: MS. BREMBERG?

21 BOARD MEMBER BREMBERG: NO, THANK YOU.

22 CHAIRMAN GALLAGHER: MR. MOSCONE?

23 BOARD MEMBER MOSCONE: NO, SIR.

24 CHAIRMAN GALLAGHER: MR. BROWN?

25 BOARD MEMBER BROWN: JUST TO REINFORCE YOUR

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1 FEELINGS THAT WE SHOULD GO 270 TO 360, I CERTAINLY AGREE
2 WITH THAT. I THINK IT'S A RECOGNITION OF THE FACT THAT
3 ADDITIONAL THINGS ARE BEING ASKED FOR IN THE PLAN VERY
4 SLOWLY AND VERY GRADUALLY, THAT ARE TAKING TIME AT THE
5 LOCAL LEVEL.

6 WITH RESPECT TO ALLOWING PLEASE FOR MERCY
7 AND SO FORTH, I AGREE WITH YOUR ANALYSIS ALSO. LET'S GO
8 WITH THE 360 DAYS TO START WITH WITH NO POSSIBILITY OF A
9 PLEA; AND IF WE SEE SOME DIFFICULTIES, WE MIGHT
10 RE-ENTERTAIN THAT ISSUE. I'M NOT, BASICALLY, IN FAVOR OF
11 THAT. I THINK WE SHOULD BE OPEN-MINDED ABOUT IT.

12 CHAIRMAN GALLAGHER: MR. CALLOWAY?

13 BOARD MEMBER CALLOWAY: NOTHING.

14 CHAIRMAN GALLAGHER: OKAY. YOU HAVE HEARD THE
15 SUBSTANCE OF THE BOARD'S REMARKS. IS THERE ANYONE FROM
16 THE PUBLIC THAT WOULD LIKE TO COMMENT ON THIS LAST
17 SECTION OF ITEM 2 ON THE AGENDA?

18 HEARING NONE, WE WILL CONTINUE THIS MEETING
19 UNTIL 3 O'CLOCK, BUT I WOULD LIKE TO TELL YOU THAT ITEM 3
20 ON THIS AGENDA WILL BE RESCHEDULED FOR THE OCTOBER
21 MEETING AND WILL NOT BE DISCUSSED TOMORROW. THE BALANCE
22 OF THE AGENDA AFTER 3 O'CLOCK WILL BE TACKLED IN THE
23 MORNING BEFORE CLOSED MEETING. ALL RIGHT.

24 ARE YOU PREPARED TO TAKE UP ITEM NO. 6?

25 MR. IWAHIRO: OUR STAFF FROM SOUTHERN CALIFORNIA



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1 WILL BE TAKING THIS ON. IT'S BASICALLY A VERY
2 STRAIGHTFORWARD DESIGNATION ITEM. I THINK IT'S A LITTLE
3 BIT NEW FOR US HERE, FOR MOST OF YOU. AS YOU WILL SEE,
4 MAYBE NEXT MONTH, ALSO, WE'LL HAVE SOME OTHERS THAT WILL
5 BE DESIGNATING LEA'S, FOR INSTANCE, ON MOUNTAIN VIEW. AS
6 YOU RECALL, WE HAD AN LEA PROBLEM THERE, AND WE'LL BE
7 GETTING SOME DESIGNATION THERE. SO WE'LL HAVE GARY KING
8 AND HIS SOUTHERN CALIFORNIA STAFF GIVE THIS PRESENTATION.

9 MR. KING: MR. CHAIRMAN, BOARD MEMBERS, THE
10 REASON WE'RE HERE THIS AFTERNOON WITH THIS ITEM IS TO GET
11 YOUR CONCURRENCE IN A RESOLUTION TO DESIGNATE THE LOS
12 ANGELES COUNTY HEALTH DEPARTMENT AS A LOCAL ENFORCEMENT
13 AGENCY FOR SANTA CLARITA.

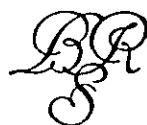
14 SANTA CLARITA IS A NEWLY INCORPORATED CITY
15 IN THE NORTHERN CORNER OF LOS ANGELES COUNTY, AND IT'S IN
16 THAT V OF AN AREA THAT USED TO INCLUDE SAUGUS AND NEWHALL
17 AND VALENCIA IF ANY OF YOU FAMILIAR WITH THAT AREA.

18 THIS JUST CAME ABOUT JUST THE OTHER DAY;
19 AND, FRANKLY, WE DIDN'T THINK IT WAS WORTH THE EXPENSE
20 NOR DID WE HAVE THE TIME TO PREPARE A SLIDE JUST TO SHOW
21 YOU THE GEOGRAPHIC AREA THERE.

22 WITH THAT, I'LL LER A NEW STAFF MEMBER DOWN
23 IN OUR OFFICE, BOB KINGERY, PRESENT THIS ITEM TO YOU.

24 MR. KINGERY: GOOD AFTERNOON, MR. CHAIRMAN AND
25 BOARD MEMBERS.

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1 ON AUGUST 11, 1988, BY CITY COUNCIL
2 RESOLUTION, THE CITY OF SANTA CLARITA DESIGNATED THE
3 COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES AS
4 THEIR SOLE LOCAL ENFORCEMENT AGENT. THE LOS ANGELES --
5 COUNTY OF LOS ANGELES HAS ACCEPTED THIS DESIGNATION AND
6 PASSED ON ALL THE NECESSARY DOCUMENTS TO OUR BOARD FOR
7 CONSIDERATION.

8 BOARD STAFF HAS REVIEWED THE LEA
9 DESIGNATION DOCUMENTS AND ENFORCEMENT PLAN, AND WE HAVE
10 DETERMINED THAT ALL OF THE TITLE 14 REQUIREMENTS HAVE
11 BEEN MET.

12 IN ADDITION, THE STATE DEPARTMENT OF HEALTH
13 SERVICES HAS CONCURRED WITH THIS DESIGNATION. IT SHOULD
14 BE NOTED THAT THE CITY OF SANTA CLARITA HAS NO SOLID
15 WASTE FACILITIES WITHIN ITS BOUNDARIES AND NONE ARE
16 ANTICIPATED WITHIN THE NEAR FUTURE. AS SUCH, NO
17 SIGNIFICANT CHANGES IN LEA RESPONSIBILITIES AND DUTIES
18 WILL OCCUR AS A RESULT OF THIS DESIGNATION.

19 I BELIEVE THEIR CURRENT RESPONSIBILITIES
20 AND DUTIES RELATE MAINLY TO THE PERMITTING AND INSPECTION
21 OF THE PRIVATE FRANCHISE HAULERS THAT SERVE THAT AREA AT
22 THIS TIME.

23 BOARD OPTIONS ARE, NO. 1, CONCUR WITH THE
24 DESIGNATION OF LOS ANGELES COUNTY HEALTH SERVICES AS THE
25 SOLE LEA FOR THE CITY OF SANTA CLARITA; OR, NO. 2, BOARD

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1 TAKE NO ACTION.

2 STAFF RECOMMENDS BOARD CONCURRENCE WITH
3 OPTION NO. 1, AND THIS CONCLUDES MY COMMENTS.

4 CHAIRMAN GALLAGHER: THANK YOU. I'D LIKE TO ASK
5 A QUESTION. THEY WANT THE COUNTY TO ASSUME THAT
6 RESPONSIBILITY. HAVE THEY GOT APPROVAL OF COUNTY TO DO
7 IT?

8 MR. KINGERY: THEY HAVE SUBMITTED THE DOCUMENTS
9 TO THE COUNTY OF LOS ANGELES AND THEY HAVE ACCEPTED THIS
10 DESIGNATION. AND THEY HAVE PASSED ON THE APPLICATION TO
11 OUR BOARD, WHICH HAS BEEN REVIEWED BY US AND BY THE STATE
12 DEPARTMENT OF HEALTH SERVICES, AND THEY CONCUR WITH THAT
13 DESIGNATION.

14 CHAIRMAN GALLAGHER: GOOD. IT'S ALWAYS NICE TO
15 SEE A NEW MEMBER AND CONGRATULATIONS. YOU JOINED A GREAT
16 OUTFIT.

17 MR. KINGERY: I AGREE.

18 BOARD MEMBER CALLOWAY: MOVE THE ADOPTION OF
19 RESOLUTION 88-55.

20 BOARD MEMBER BREMBERG: SECOND.

21 CHAIRMAN GALLAGHER: THERE'S A MOTION ON THE
22 FLOOR, BUT MR. MOSCONE HAD ASKED FOR THE FLOOR BEFORE THE
23 MOTION WAS MADE.

24 BOARD MEMBER CALLOWAY: SORRY ABOUT THAT.

25 BOARD MEMBER MOSCONE: NO PROBLEM. THEY'RE NOT

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1 HAVING ANY SOLID WASTE FACILITIES. 'ALL THAT LEAVES THEM
2 WITH, THEN, IS THE COLLECTION AND STORAGE.

3 MR. KING: THAT'S TRUE.

4 MR. KINGERY: THAT'S CORRECT.

5 CHAIRMAN GALLAGHER: WE HAVE A MOTION THAT WE
6 ADOPT RESOLUTION 88-55 AND A SECOND. ALL THOSE IN FAVOR?
7 OPPOSED? CARRIED AND SO ORDERED.

8 CAN WE MOVE TO ITEM 7?

9 MR. IWAHIRO: YES, SIR. ITEM 7 IS A REQUEST
10 FROM THE CITY OF SUNNYVALE REGARDING THEIR LOCAL
11 ENFORCEMENT AGENCY. AND SINCE OUR STAFF IS READY TO
12 EXPLAIN THAT, I WON'T GO INTO THE EXPLANATION OF IT.
13 ALSO, THERE IS A LETTER BEFORE YOU FROM THE CITY OF
14 SUNNYVALE IN CONJUNCTION WITH THIS THAT LOOKS LIKE THIS,
15 AND STAFF, AGAIN, WILL LET YOU KNOW WHAT THAT IS ALL
16 ABOUT, BERNIE VLACH AND JOHN BALLAR, OUR STAFF MEMBERS
17 WHO ARE PRESENTING THIS.

18 MR. BALLAR: MR. CHAIRMAN AND MEMBERS OF THE
19 BOARD, ITEM 7, AS HERB SAYS, INVOLVES A CONSIDERATION OF
20 APPROVAL OF A WAIVER FOR THE CITY OF SUNNYVALE TO BE BOTH
21 THE DISPOSAL SITE OWNER AND THE OPERATOR AS WELL AS AN
22 LEA FOR NONHEALTH RELATED STANDARDS. THE BOARD APPROVED
23 A JOINT -- THE JOINT DESIGNATION OF THE CITY OF SUNNYVALE
24 AND THE SANTA CLARA HEALTH DEPARTMENT ON OCTOBER 7, 1977;
25 AND SINCE THAT TIME, THE CITY PUBLIC WORKS DEPARTMENT HAS

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1 CONTINUED TO BOTH INSPECT AND TO OPERATE THE CITY OF
2 SUNNYVALE LANDFILL.

3 THIS TYPE OF SITUATION CAN POSE POTENTIAL
4 PROBLEMS BECAUSE THE CITY, AS LEA, WOULD BE REQUIRED TO
5 ENFORCE UPON ITSELF AS OPERATOR. AND THIS IS A PRACTICE
6 THAT'S BEEN SHOWN TO HAVE CONSIDERABLE PROBLEM IN AREAS
7 LIKE LOS ANGELES AND SACRAMENTO AND IN MOUNTAIN VIEW
8 ITSELF, WHICH WAS AN ISSUE BEFORE THE BOARD A COUPLE
9 MONTHS AGO.

10 IT IS FOR THIS REASON, AND NOT FOR ANY REAL
11 PROBLEMS WITH THE CITY'S PERFORMANCE, THAT OF ITS LEA
12 DUTIES, THAT THE STAFF RECOMMENDED THAT THE BOARD A DENY
13 A WAIVER TO THE CITY. THE CITY CONCURS WITH THIS STAFF
14 RECOMMENDATION AND HAS CLEARLY STATED THIS IN A LETTER
15 THAT WAS SENT TO US YESTERDAY TO MR. GEORGE EOWAN, OUR
16 CHIEF EXECUTIVE OFFICER, FROM EDWARD JAMES, PUBLIC WORKS
17 DIRECTOR. YOU SHOULD HAVE A COPY OF THAT LETTER AS WAS
18 JUST REFERRED TO BY HERB.

19 I WOULD LIKE TO POINT OUT IF THE BOARD DOES
20 DENY THIS THIS WAIVER AND DE-DESIGNATE THE CITY PUBLIC
21 WORKS AS LEA, A NEW DESIGNATION MUST BE MADE WITHIN 90
22 DAYS OR THE BOARD WOULD BECOME THE LEA FOR NONHEALTH
23 RELATED STANDARDS IN THE COUNTY. THE CITY HAS ASKED THAT
24 THE STAFF READ THEIR LETTER AS PART OF STAFF'S
25 PRESENTATION. SO I'LL DO THAT NOW.

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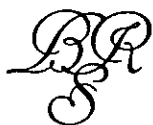
1 IT SAYS, "DEAR MR. EOWAN: WE HAVE
2 DISCUSSED THE STAFF RECOMMENDATION ON THE ABOVE
3 REFERENCED ITEM WITH BERNIE VLACH OF YOUR STAFF. BASED
4 UPON THOSE DISCUSSIONS, THE CITY OF SUNNYVALE HAS DECIDED
5 TO CONCUR WITH THE STAFF'S RECOMMENDATION TO DE-DESIGNATE
6 THE CITY AS A LOCAL ENFORCEMENT AGENCY FOR THE SUNNYVALE
7 LANDFILL.

8 "IT IS OUR UNDERSTANDING THAT THE STAFF
9 RECOMMENDATION IS NOT BEING MADE BECAUSE OF ANY
10 DEFICIENCIES IN THE CITY'S PERFORMANCE OF ITS DUTIES AS
11 LEA. RATHER, IT IS BASED UPON THE BOARD'S POLICY WHICH
12 PROVIDES THAT IT IS IN THE BEST INTEREST OF THE STATE AND
13 THE CITY FOR THE OPERATOR OF THE LANDFILL AND THE LEA TO
14 BE ENTIRELY SEPARATE ENTITIES. I WOULD APPRECIATE IT IF
15 THIS COULD BE REFLECTED IN THE STAFF PRESENTATION TO THE
16 BOARD ON THIS ITEM.

17 "WE APPRECIATE THE EFFORTS OF BERNIE VLACH
18 OF YOUR STAFF IN WORKING WITH US ON THIS ISSUE."

19 SO THAT PRETTY CLEARLY STATES THEIR
20 POSITION ON THE ISSUE. AND I WOULD, THEREFORE, RECOMMEND
21 THAT THE BOARD ACCEPT OPTION NO. 2, DENYING THE WAIVER
22 AND DE-DESIGNATING THE CITY OF SUNNYVALE DEPARTMENT OF
23 PUBLIC WORKS AS THE LEA FOR THE CITY OF SUNNYVALE AND
24 ADOPT RESOLUTION NO. 88-56.

25 CHAIRMAN GALLAGHER: THANK YOU, MR. VLACH.



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1 YOU'VE HEARD STAFF PRESENTATION, AND I AWAIT A MOTION.

2 BOARD MEMBER CALLOWAY: SO MOVED.

3 BOARD MEMBER VARNER: SECOND.

4 CHAIRMAN GALLAGHER: MOVED AND SECONDED THAT WE
5 ADOPT STAFF RECOMMENDATION ON RESOLUTION 88-56, DENYING
6 THE REQUEST OF THE CITY OF SUNNYVALE. ALL THOSE IN
7 FAVOR? OPPOSED? MOTION IS CARRIED; SO ORDERED.

8 BOARD MEMBER MOSCONE: I HAVE A QUESTION, MR.
9 CHAIRMAN. IN ACTING AS THE LEA, DO WE -- ARE WE
10 RECOMPENSED IF WE DON'T HAVE TO DO ANYTHING, IF
11 EVERYTHING GOES ALONG, OR IS IT ONLY IF WE ARE CALLED ON
12 AS THE LEA TO DO SOME WORK FOR THEM? HOW ARE WE
13 REIMBURSED?

14 MR. VLACH: MR. MOSCONE, SHOULD THE BOARD BECOME
15 THE LEA, FOR SOME REASON, THE COUNTY AND CITY DO NOT TAKE
16 THE ACTION TO PROVIDE FOR A LOCAL ENFORCEMENT AGENT FOR
17 THE CITY OF SUNNYVALE, AND THE BOARD SHOULD DEVOTE TIME
18 AND EFFORT AND RESOURCES TO THE WORK AS LEA IN THE CITY,
19 THEN THE BOARD MAY REQUEST THAT THEY BE REIMBURSED FOR
20 THOSE ACTUAL EXPENSES. AND THAT HAS BEEN THE PRACTICE OF
21 THE BOARD IN THE PAST WITH THE CITY OF SAN DIEGO, AND THE
22 PROCEDURES HAVE BEEN WELL ESTABLISHED.

23 AND WE'RE HOPING THAT THAT'S NOT GOING TO
24 HAPPEN, AND THERE'S INDICATION THAT THE COUNTY OF SANTA
25 CLARA IS ALREADY WORKING TOWARDS BRINGING THAT ISSUE

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1 BEFORE THEIR BOARD TO DESIGNATE THE COUNTY HEALTH
2 DEPARTMENT AS THE LEA IN THE CITY OF SUNNYVALE.

3 BOARD MEMBER MOSCONE: I JUST WANT TO BE CLEAR
4 AS TO WHETHER WE AUTOMATICALLY START THE FIRST DAY OR
5 WHETHER IT'S ONLY IF WE PROVIDE SOME SERVICE.

6 MR. VLACH: I BELIEVE THE WAY THE RESOLUTION IS
7 WRITTEN THAT THERE'S A 90-DAY PERIOD IN WHICH THE CITY OF
8 SUNNYVALE WOULD REMAIN AS THE LEA; AND DURING THAT
9 PERIOD, IF THEY SHOULD DESIGNATE ANOTHER LEA, SUCH AS THE
10 COUNTY, THEN THAT OTHER ENTITY WOULD BECOME THE LEA. IF,
11 AFTER THAT 90 DAYS, THEY FAIL TO DO THAT, THEN THE BOARD
12 WOULD START ACTING AS LEA AND KEEP TRACK OF ANY EXPENSES
13 THAT WE INCUR IN THAT CAPACITY.

14 CHAIRMAN GALLAGHER: THERE'S ONE THING I'D LIKE
15 TO ASK YOU IN REGARD TO THIS. AND THAT IS, IN THE FUTURE
16 WHEN WE GET THESE DESIGNATIONS BY CITIES MAKING
17 THEMSELVES THE ENFORCEMENT AGENCY, WILL WE SORT OF PUT A
18 RED FLAG UP BECAUSE OF THE HISTORY OF SOME PRETTY BAD
19 PROBLEMS HERE, AND IN THE FUTURE MAYBE WE COULD AVOID
20 DECERTIFICATION BY NOT CERTIFYING ON THE FIRSTHAND.

21 MR. VLACH: MR. CHAIRMAN, THAT WOULD BE OUR
22 INTENTION TO ALWAYS SCRUTINIZE EACH DESIGNATION. IN THE
23 COURSE OF OUR LOCAL ENFORCEMENT AGENCY EVALUATION
24 PROGRAM, WE'LL BE LOOKING AT THOSE ENTITIES THAT ARE
25 OPERATING IN POTENTIALLY A POSITION WHERE THERE MAY BE

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1 THAT SAME KIND OF A CONFLICT AND BRINGING ANY OF THOSE TO
2 THE ATTENTION OF THE BOARD.

3 CHAIRMAN GALLAGHER: THANK YOU. WE ARE
4 APPROACHING THAT HOUR OF ADJOURNMENT. AND I WOULD ASK IS
5 THERE ANY FURTHER BUSINESS ANYONE IN THE AUDIENCE HAS TO
6 BRING BEFORE THE BOARD UNTIL WE RECONVENE TOMORROW
7 MORNING? IF NOT, CHAIR DECLARES THIS MEETING IN RECESS
8 UNTIL 9 A.M. TOMORROW MORNING.

9
10 (END OF PROCEEDINGS.)
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REPORTER'S CERTIFICATE

I, BETH C. DRAIN, HEREBY CERTIFY THAT ON THE
29TH DAY OF SEPTEMBER 1988, I DID REPORT IN SHORTHAND THE
TESTIMONY AND PROCEEDINGS OF THE FOREGOING HEARING; THAT
AT THE CONCLUSION OF THE ABOVE-ENTITLED MATTER, I DID
TRANSCRIBE MY SHORTHAND NOTES INTO TYPEWRITING; AND THAT
THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT COPY OF MY
SHORTHAND NOTES THEREOF.

Beth C. Drain

CERTIFIED SHORTHAND REPORTER

CERTIFICATE NO. 7152

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